

XEROX

1 DIVISION B—DEPARTMENTS OF COMMERCE,
2 TITLE I—DEPARTMENT OF JUSTICE THE JUDICIARY,
3 GENERAL ADMINISTRATION AND RELATED
4 SALARIES AND EXPENSES AGENCIES APPROPRIATIONS ACT, 2005

5 For expenses necessary for the administration of the
6 Department of Justice, \$124,100,000, of which not to ex-
7 ceed \$3,317,000 is for the Facilities Program 2000, to
8 remain available until expended: *Provided*, That not to ex-
9 ceed 45 permanent positions and 46 full-time equivalent
10 workyears and \$11,078,000 shall be expended for the De-
11 partment Leadership Program exclusive of augmentation
12 that occurred in these offices in fiscal year 2004: *Provided*
13 *further*, That not to exceed 26 permanent positions, 21
14 full-time equivalent workyears and \$3,305,000 shall be ex-
15 pended for the Office of Legislative Affairs: *Provided fur-*
16 *ther*, That not to exceed 17 permanent positions, 21 full-
17 time equivalent workyears and \$2,470,000 shall be ex-
18 pended for the Office of Public Affairs: *Provided further*,
19 That the latter two aforementioned offices may utilize
20 non-reimbursable details of career employees within the
21 caps described in the preceding two provisos.

22 JOINT AUTOMATED BOOKING SYSTEM

23 For expenses necessary for the nationwide deploy-
24 ment of a Joint Automated Booking System including
25 automated capability to transmit fingerprint and image

1 data, \$20,185,000, to remain available until September
2 30, 2006.

3 AUTOMATED BIOMETRIC IDENTIFICATION SYSTEM/INTE-
4 GRATED AUTOMATED FINGERPRINT IDENTIFICATION
5 SYSTEM

6 For necessary expenses for the planning, develop-
7 ment, and deployment of an integrated fingerprint identi-
8 fication system, including automated capability to trans-
9 mit fingerprint and image data, \$5,054,000, to remain
10 available until September 30, 2006.

11 LEGAL ACTIVITIES OFFICE AUTOMATION

12 For necessary expenses related to the design, develop-
13 ment, engineering, acquisition, and implementation of of-
14 fice automation systems for the organizations funded
15 under the headings "Salaries and Expenses, General
16 Legal Activities", and "General Administration, Salaries
17 and Expenses", and the United States Attorneys, the
18 United States Marshals Service, the Antitrust Division,
19 the United States Trustee Program, the Executive Office
20 for Immigration Review, the Community Relations Serv-
21 ice, the Bureau of Prisons, the Office of Justice Programs,
22 and the United States Parole Commission, \$40,510,000,
23 to remain available until September 30, 2006.

24 NARROWBAND COMMUNICATIONS

25 For the costs of conversion to narrowband commu-
26 nications, including the cost for operation and mainte-

1 nance of Land Mobile Radio legacy systems,
2 \$100,000,000, to remain available until September 30,
3 2006: *Provided*, That the Attorney General shall transfer
4 to the "Narrowband Communications" account all funds
5 made available to the Department of Justice for the pur-
6 chase of portable and mobile radios: *Provided further*,
7 That any transfer made under the preceding proviso shall
8 be subject to section 605 of this Act.

9 ADMINISTRATIVE REVIEW AND APPEALS

10 For expenses necessary for the administration of par-
11 don and clemency petitions and immigration-related activi-
12 ties, \$203,965,000.

13 DETENTION TRUSTEE

14 For necessary expenses of the Federal Detention
15 Trustee, \$885,994,000, to remain available until ex-
16 pended: *Provided*, That the Trustee shall be responsible
17 for managing the Justice Prisoner and Alien Transpor-
18 tation System and for overseeing housing related to such
19 detention: *Provided further*, That any unobligated balances
20 available in prior years from the funds appropriated under
21 the heading "Federal Prisoner Detention" shall be trans-
22 ferred to and merged with the appropriation under the
23 heading "Detention Trustee" and shall be available until
24 expended. *Provided further*, That the Trustee, working in
25 consultation with the Bureau of Prisons, shall submit a
26 plan for collecting information related to evaluating the

1 health and safety of Federal prisoners in non-Federal in-
2 stitutions no later than 180 days following the enactment
3 of this Act.

4 OFFICE OF INSPECTOR GENERAL

5 For necessary expenses of the Office of Inspector
6 General, \$63,813,000, including not to exceed \$10,000 to
7 meet unforeseen emergencies of a confidential character.

8 UNITED STATES PAROLE COMMISSION

9 SALARIES AND EXPENSES

10 For necessary expenses of the United States Parole
11 Commission as authorized, \$10,638,000.

12 LEGAL ACTIVITIES

13 SALARIES AND EXPENSES, GENERAL LEGAL ACTIVITIES

14 For expenses necessary for the legal activities of the
15 Department of Justice, not otherwise provided for, includ-
16 ing not to exceed \$20,000 for expenses of collecting evi-
17 dence, to be expended under the direction of, and to be
18 accounted for solely under the certificate of, the Attorney
19 General; and rent of private or Government-owned space
20 in the District of Columbia, \$634,193,000, of which not
21 to exceed \$10,000,000 for litigation support contracts
22 shall remain available until expended: *Provided*, That of
23 the total amount appropriated, not to exceed \$1,000 shall
24 be available to the United States National Central Bu-
25 reau, INTERPOL, for official reception and representa-
26 tion expenses: *Provided further*, That notwithstanding any

1 other provision of law, upon a determination by the Attor-
2 ney General that emergent circumstances require addi-
3 tional funding for litigation activities of the Civil Division,
4 the Attorney General may transfer such amounts to “Sal-
5 aries and Expenses, General Legal Activities” from avail-
6 able appropriations for the current fiscal year for the De-
7 partment of Justice, as may be necessary to respond to
8 such circumstances: *Provided further*, That any transfer
9 pursuant to the previous proviso shall be treated as a re-
10 programming under section 605 of this Act and shall not
11 be available for obligation or expenditure except in compli-
12 ance with the procedures set forth in that section.

13 In addition, for reimbursement of expenses of the De-
14 partment of Justice associated with processing cases
15 under the National Childhood Vaccine Injury Act of 1986,
16 not to exceed \$6,333,000, to be appropriated from the
17 Vaccine Injury Compensation Trust Fund.

18 SALARIES AND EXPENSES, ANTITRUST DIVISION

19 For expenses necessary for the enforcement of anti-
20 trust and kindred laws, \$138,763,000, to remain available
21 until expended: *Provided*, That, notwithstanding any other
22 provision of law, not to exceed \$101,000,000 of offsetting
23 collections derived from fees collected for premerger notifi-
24 cation filings under the Hart-Scott-Rodino Antitrust Im-
25 provements Act of 1976 (15 U.S.C. 18a), regardless of
26 the year of collection, shall be retained and used for nec-

1 essary expenses in this appropriation, and shall remain
2 available until expended: *Provided further*, That the sum
3 herein appropriated from the general fund shall be re-
4 duced as such offsetting collections are received during fis-
5 cal year 2005, so as to result in a final fiscal year 2005
6 appropriation from the general fund estimated at not more
7 than \$37,763,000.

8 SALARIES AND EXPENSES, UNITED STATES ATTORNEYS

9 For necessary expenses of the Offices of the United
10 States Attorneys, including inter-governmental and coop-
11 erative agreements, \$1,547,519,000; of which not to ex-
12 ceed \$2,500,000 shall be available until September 30,
13 2006, for: (1) training personnel in debt collection; (2) lo-
14 cating debtors and their property; (3) paying the net costs
15 of selling property; and (4) tracking debts owed to the
16 United States Government: *Provided*, That of the total
17 amount appropriated, not to exceed \$8,000 shall be avail-
18 able for official reception and representation expenses:
19 *Provided further*, That not to exceed \$10,000,000 of those
20 funds available for automated litigation support contracts
21 shall remain available until expended: *Provided further*,
22 That not to exceed \$2,500,000 for the operation of the
23 National Advocacy Center shall remain available until ex-
24 pended: *Provided further*, That, in addition to reimburs-
25 able full-time equivalent workyears available to the Offices
26 of the United States Attorneys, not to exceed 10,212 posi-

1 tions and 10,273 full-time equivalent workyears shall be
2 supported from the funds appropriated in this Act for the
3 United States Attorneys: *Provided further*, That of the
4 funds made available under this heading, \$1,500,000 shall
5 only be available to continue "Operation Streetsweeper":
6 *Provided further*, That of the total amount appropriated,
7 \$5,000,000 shall be for Project Seahawk and shall remain
8 available until expended.

9 UNITED STATES TRUSTEE SYSTEM FUND

10 For necessary expenses of the United States Trustee
11 Program, as authorized, \$173,602,000, to remain avail-
12 able until expended and to be derived from the United
13 States Trustee System Fund: *Provided*, That, notwith-
14 standing any other provision of law, deposits to the Fund
15 shall be available in such amounts as may be necessary
16 to pay refunds due depositors: *Provided further*, That, not-
17 withstanding any other provision of law, \$173,602,000 of
18 offsetting collections pursuant to 28 U.S.C. 589a(b) shall
19 be retained and used for necessary expenses in this appro-
20 priation and remain available until expended: *Provided*
21 *further*, That the sum herein appropriated from the Fund
22 shall be reduced as such offsetting collections are received
23 during fiscal year 2005, so as to result in a final fiscal
24 year 2005 appropriation from the Fund estimated at \$0.

1 SALARIES AND EXPENSES, FOREIGN CLAIMS

2 SETTLEMENT COMMISSION

3 For expenses necessary to carry out the activities of
4 the Foreign Claims Settlement Commission, including
5 services as authorized by 5 U.S.C. 3109, \$1,220,000.

6 UNITED STATES MARSHALS SERVICE

7 SALARIES AND EXPENSES

8 For necessary expenses of the United States Mar-
9 shals Service, \$751,985,000; of which not to exceed
10 \$6,000 shall be available for official reception and rep-
11 resentation expenses; and of which \$4,000,000 for infor-
12 mation technology systems shall remain available until ex-
13 pended; of which not less than \$11,580,000 shall be avail-
14 able for the costs of courthouse security equipment, in-
15 cluding furnishings, relocations, and telephone systems
16 and cabling, and shall remain available until September
17 30, 2006: *Provided*, That, in addition to reimbursable full-
18 time equivalent workyears available to the United States
19 Marshals Service, not to exceed 4,543 positions and 4,387
20 full-time equivalent workyears shall be supported from the
21 funds appropriated in this Act for the United States Mar-
22 shals Service.

23 CONSTRUCTION

24 For construction of United States Marshals Service
25 prisoner-holding space in United States courthouses and

1 Federal buildings, \$5,734,000, to remain available until
2 expended.

3 FEES AND EXPENSES OF WITNESSES

4 For fees and expenses of witnesses, for expenses of
5 contracts for the procurement and supervision of expert
6 witnesses, for private counsel expenses, including ad-
7 vances, \$177,585,000, to remain available until expended;
8 of which not to exceed \$8,000,000 may be made available
9 for construction of buildings for protected witness
10 safesites; of which not to exceed \$1,000,000 may be made
11 available for the purchase and maintenance of armored ve-
12 hicles for transportation of protected witnesses; and of
13 which not to exceed \$7,000,000 may be made available
14 for the purchase, installation, maintenance and upgrade
15 of secure telecommunications equipment and a secure
16 automated information network to store and retrieve the
17 identities and locations of protected witnesses.

18 SALARIES AND EXPENSES, COMMUNITY RELATIONS

19 SERVICE

20 For necessary expenses of the Community Relations
21 Service, \$9,664,000: *Provided*, That notwithstanding any
22 other provision of law, upon a determination by the Attor-
23 ney General that emergent circumstances require addi-
24 tional funding for conflict resolution and violence preven-
25 tion activities of the Community Relations Service, the At-
26 torney General may transfer such amounts to the Commu-

1 nity Relations Service, from available appropriations for
2 the current fiscal year for the Department of Justice, as
3 may be necessary to respond to such circumstances: *Pro-*
4 *vided further*, That any transfer pursuant to the previous
5 proviso shall be treated as a reprogramming under section
6 605 of this Act and shall not be available for obligation
7 or expenditure except in compliance with the procedures
8 set forth in that section.

9 ASSETS FORFEITURE FUND

10 For expenses authorized by 28 U.S.C. 524(c)(1)(B),
11 (F), and (G), \$21,759,000, to be derived from the Depart-
12 ment of Justice Assets Forfeiture Fund.

13 PAYMENT TO RADIATION EXPOSURE COMPENSATION

14 TRUST FUND

15 In addition to amounts appropriated by subsection
16 3(e) of the Radiation Exposure Compensation Act (42
17 U.S. Code 2210 note), \$27,800,000 for payment to the
18 Radiation Exposure Compensation Trust Fund, to remain
19 available until expended.

20 INTERAGENCY LAW ENFORCEMENT

21 INTERAGENCY CRIME AND DRUG ENFORCEMENT

22 For necessary expenses for the identification, inves-
23 tigation, and prosecution of individuals associated with the
24 most significant drug trafficking and affiliated money
25 laundering organizations not otherwise provided for, to in-
26 clude inter-governmental agreements with State and local

1 law enforcement agencies engaged in the investigation and
2 prosecution of individuals involved in organized crime drug
3 trafficking, \$561,033,000, of which \$50,000,000 shall re-
4 main available until expended: *Provided*, That any
5 amounts obligated from appropriations under this heading
6 may be used under authorities available to the organiza-
7 tions reimbursed from this appropriation.

8 FEDERAL BUREAU OF INVESTIGATION

9 SALARIES AND EXPENSES

10 For necessary expenses of the Federal Bureau of In-
11 vestigation for detection, investigation, and prosecution of
12 crimes against the United States; including purchase for
13 police-type use of not to exceed 2,988 passenger motor ve-
14 hicles, of which 2,619 will be for replacement only; and
15 not to exceed \$70,000 to meet unforeseen emergencies of
16 a confidential character pursuant to 28 U.S.C. 530C,
17 \$5,205,028,000; of which not to exceed \$150,000,000
18 shall remain available until expended; of which
19 \$1,017,000,000 shall be for counterterrorism investiga-
20 tions, foreign counterintelligence, and other activities re-
21 lated to our national security; of which \$56,349,000 shall
22 be for the operations, equipment, and facilities of the For-
23 eign Terrorist Tracking Task Force; and of which not to
24 exceed \$20,000,000 is authorized to be made available for
25 making advances for expenses arising out of contractual

1 or reimbursable agreements with State and local law en-
2 forcement agencies while engaged in cooperative activities
3 related to violent crime, terrorism, organized crime, gang-
4 related crime, cybercrime, and drug investigations: *Pro-*
5 *vided*, That not to exceed \$200,000 shall be available for
6 official reception and representation expenses: *Provided*
7 *further*, That, in addition to reimbursable full-time equiva-
8 lent workyears available to the Federal Bureau of Inves-
9 tigation, not to exceed 30,039 positions and 29,082 full-
10 time equivalent workyears shall be supported from the
11 funds appropriated in this Act for the Federal Bureau of
12 Investigation: *Provided further*, That up to \$6,800,000 of
13 prior year unobligated balances shall be available for the
14 necessary expense of construction of an aviation hangar,
15 to remain available until September 30, 2006.

16 CONSTRUCTION

17 For necessary expenses to construct or acquire build-
18 ings and sites by purchase, or as otherwise authorized by
19 law (including equipment for such buildings); conversion
20 and extension of Federally-owned buildings; and prelimi-
21 nary planning and design of projects; \$10,242,000, to re-
22 main available until expended: *Provided*, That \$9,000,000
23 shall be available to lease a records management facility,
24 including equipment and relocation expenses, in Frederick
25 County, Virginia.

1 DRUG ENFORCEMENT ADMINISTRATION

2 SALARIES AND EXPENSES

3 For necessary expenses of the Drug Enforcement Ad-
4 ministration, including not to exceed \$70,000 to meet un-
5 foreseen emergencies of a confidential character pursuant
6 to 28 U.S.C. 530C; expenses for conducting drug edu-
7 cation and training programs, including travel and related
8 expenses for participants in such programs and the dis-
9 tribution of items of token value that promote the goals
10 of such programs; and purchase of not to exceed 1,461
11 passenger motor vehicles, of which 1,346 will be for re-
12 placement only, for police-type use, \$1,653,265,000; of
13 which not to exceed \$75,000,000 shall remain available
14 until expended; and of which not to exceed \$100,000 shall
15 be available for official reception and representation ex-
16 penses: *Provided*, That, in addition to reimbursable full-
17 time equivalent workyears available to the Drug Enforce-
18 ment Administration, not to exceed 8,361 positions and
19 8,250 full-time equivalent workyears shall be supported
20 from the funds appropriated in this Act for the Drug En-
21 forcement Administration: *Provided further*, That not to
22 exceed \$8,100,000 from prior year unobligated balances
23 shall be available for the design, construction and owner-
24 ship of a clandestine laboratory training facility and shall
25 remain available until expended.

1 BUREAU OF ALCOHOL, TOBACCO, FIREARMS AND
2 EXPLOSIVES
3 SALARIES AND EXPENSES

4 For necessary expenses of the Bureau of Alcohol, To-
5 bacco, Firearms and Explosives, including the purchase of
6 not to exceed 822 vehicles for police-type use, of which
7 650 shall be for replacement only; not to exceed \$25,000
8 for official reception and representation expenses; for
9 training of State and local law enforcement agencies with
10 or without reimbursement, including training in connec-
11 tion with the training and acquisition of canines for explo-
12 sives and fire accelerants detection; and for provision of
13 laboratory assistance to State and local law enforcement
14 agencies, with or without reimbursement, \$890,357,000,
15 of which not to exceed \$1,000,000 shall be available for
16 the payment of attorneys' fees as provided by 18 U.S.C.
17 924(d)(2); and of which \$10,000,000 shall remain avail-
18 able until expended: *Provided*, That no funds appropriated
19 herein shall be available for salaries or administrative ex-
20 penses in connection with consolidating or centralizing,
21 within the Department of Justice, the records, or any por-
22 tion thereof, of acquisition and disposition of firearms
23 maintained by Federal firearms licensees: *Provided fur-*
24 *ther*, That no funds appropriated herein shall be used to
25 pay administrative expenses or the compensation of any

1 officer or employee of the United States to implement an
2 amendment or amendments to 27 CFR 178.118 or to
3 change the definition of “Curios or relics” in 27 CFR
4 178.11 or remove any item from ATF Publication
5 5300.11 as it existed on January 1, 1994: *Provided fur-*
6 *ther*, That none of the funds appropriated herein shall be
7 available to investigate or act upon applications for relief
8 from Federal firearms disabilities under 18 U.S.C. 925(c):
9 *Provided further*, That such funds shall be available to in-
10 vestigate and act upon applications filed by corporations
11 for relief from Federal firearms disabilities under section
12 925(c) of title 18, United States Code: *Provided further*,
13 That no funds made available by this or any other Act
14 may be used to transfer the functions, missions, or activi-
15 ties of the Bureau of Alcohol, Tobacco, Firearms and Ex-
16 plosives to other agencies or Departments in fiscal year
17 2005: *Provided further*, That no funds appropriated under
18 this or any other Act with respect to any fiscal year may
19 be used to disclose part or all of the contents of the Fire-
20 arms Trace System database maintained by the National
21 Trace Center of the Bureau of Alcohol, Tobacco, Fire-
22 arms, and Explosives or any information required to be
23 kept by licensees pursuant to section 923(g) of title 18,
24 United States Code, or required to be reported pursuant
25 to paragraphs (3) and (7) of such section 923(g), to any-

1 one other than a Federal, State, or local law enforcement
2 agency or a prosecutor solely in connection with and for
3 use in a bona fide criminal investigation or prosecution
4 and then only such information as pertains to the geo-
5 graphic jurisdiction of the law enforcement agency re-
6 questing the disclosure and not for use in any civil action
7 or proceeding other than an action or proceeding com-
8 menced by the Bureau of Alcohol, Tobacco, Firearms, and
9 Explosives, or a review of such an action or proceeding,
10 to enforce the provisions of chapter 44 of such title, and
11 all such data shall be immune from legal process and shall
12 not be subject to subpoena or other discovery in any civil
13 action in a State or Federal court or in any administrative
14 proceeding other than a proceeding commenced by the Bu-
15 reau of Alcohol, Tobacco, Firearms, and Explosives to en-
16 force the provisions of that chapter, or a review of such
17 an action or proceeding; except that this proviso shall not
18 be construed to prevent the disclosure of statistical infor-
19 mation concerning total production, importation, and ex-
20 portation by each licensed importer (as defined in section
21 921(a)(9) of such title) and licensed manufacturer (as de-
22 fined in section 921(a)(10) of such title): *Provided further,*
23 That no funds made available by this or any other Act
24 shall be expended to promulgate or implement any rule
25 requiring a physical inventory of any business licensed

1 under section 923 of title 18, United States Code: *Pro-*
2 *vided further*, That no funds under this Act may be used
3 to electronically retrieve information gathered pursuant to
4 18 U.S.C. 923(g)(4) by name or any personal identifica-
5 tion code: *Provided further*, That no funds authorized or
6 made available under this or any other Act may be used
7 to deny any application for a license under section 923
8 of title 18, United States Code, or renewal of such a li-
9 cense due to a lack of business activity, provided that the
10 applicant is otherwise eligible to receive such a license, and
11 is eligible to report business income or to claim an income
12 tax deduction for business expenses under the Internal
13 Revenue Code of 1986: *Provided further*, That of the total
14 amount provided under this paragraph, \$5,600,000 shall
15 be for the construction and establishment of the Federal
16 Firearms Licensing Center at the Bureau of Alcohol, To-
17 bacco, Firearms and Explosives National Tracing Center
18 Facility and shall remain available until expended.

19 FEDERAL PRISON SYSTEM

20 SALARIES AND EXPENSES

21 For expenses necessary of the Federal Prison System
22 for the administration, operation, and maintenance of
23 Federal penal and correctional institutions, including pur-
24 chase (not to exceed 780, of which 649 are for replacement
25 only) and hire of law enforcement and passenger motor

1 vehicles, and for the provision of technical assistance and
2 advice on corrections related issues to foreign govern-
3 ments, \$4,627,696,000: *Provided*, That the Attorney Gen-
4 eral may transfer to the Health Resources and Services
5 Administration such amounts as may be necessary for di-
6 rect expenditures by that Administration for medical relief
7 for inmates of Federal penal and correctional institutions:
8 *Provided further*, That the Director of the Federal Prison
9 System, where necessary, may enter into contracts with
10 a fiscal agent/fiscal intermediary claims processor to de-
11 termine the amounts payable to persons who, on behalf
12 of the Federal Prison System, furnish health services to
13 individuals committed to the custody of the Federal Prison
14 System: *Provided further*, That not to exceed \$6,000 shall
15 be available for official reception and representation ex-
16 penses: *Provided further*, That not to exceed \$365,836,000
17 shall remain available for prison activations until Sep-
18 tember 30, 2006: *Provided further*, That, of the amounts
19 provided for Contract Confinement, not to exceed
20 \$20,000,000 shall remain available until expended to
21 make payments in advance for grants, contracts and reim-
22 bursable agreements, and other expenses authorized by
23 section 501(c) of the Refugee Education Assistance Act
24 of 1980, for the care and security in the United States
25 of Cuban and Haitian entrants: *Provided further*, That the

1 Director of the Federal Prison System may accept donated
2 property and services relating to the operation of the pris-
3 on card program from a not-for-profit entity which has
4 operated such program in the past notwithstanding the
5 fact that such not-for-profit entity furnishes services
6 under contracts to the Federal Prison System relating to
7 the operation of pre-release services, halfway houses or
8 other custodial facilities.

9 BUILDINGS AND FACILITIES

10 For planning, acquisition of sites and construction of
11 new facilities; purchase and acquisition of facilities and re-
12 modeling, and equipping of such facilities for penal and
13 correctional use, including all necessary expenses incident
14 thereto, by contract or force account; and constructing,
15 remodeling, and equipping necessary buildings and facili-
16 ties at existing penal and correctional institutions, includ-
17 ing all necessary expenses incident thereto, by contract or
18 force account, \$189,000,000, to remain available until ex-
19 pended, of which not to exceed \$14,000,000 shall be avail-
20 able to construct areas for inmate work programs: *Pro-*
21 *vided*, That labor of United States prisoners may be used
22 for work performed under this appropriation.

23 FEDERAL PRISON INDUSTRIES, INCORPORATED

24 The Federal Prison Industries, Incorporated, is here-
25 by authorized to make such expenditures, within the limits
26 of funds and borrowing authority available, and in accord

1 with the law, and to make such contracts and commit-
2 ments, without regard to fiscal year limitations as pro-
3 vided by section 9104 of title 31, United States Code, as
4 may be necessary in carrying out the program set forth
5 in the budget for the current fiscal year for such corpora-
6 tion, including purchase (not to exceed five for replace-
7 ment only) and hire of passenger motor vehicles.

8 LIMITATION ON ADMINISTRATIVE EXPENSES, FEDERAL
9 PRISON INDUSTRIES, INCORPORATED

10 Not to exceed \$3,411,000 of the funds of the corpora-
11 tion shall be available for its administrative expenses, and
12 for services as authorized by 5 U.S.C. 3109, to be com-
13 puted on an accrual basis to be determined in accordance
14 with the corporation's current prescribed accounting sys-
15 tem, and such amounts shall be exclusive of depreciation,
16 payment of claims, and expenditures which such account-
17 ing system requires to be capitalized or charged to cost
18 of commodities acquired or produced, including selling and
19 shipping expenses, and expenses in connection with acqui-
20 sition, construction, operation, maintenance, improvement,
21 protection, or disposition of facilities and other property
22 belonging to the corporation or in which it has an interest.

1 OFFICE ON VIOLENCE AGAINST WOMEN
2 VIOLENCE AGAINST WOMEN PREVENTION AND
3 PROSECUTION PROGRAMS

4 For grants, contracts, cooperative agreements, and
5 other assistance for the prevention and prosecution of vio-
6 lence against women as authorized by the Omnibus Crime
7 Control and Safe Streets Act of 1968 ("the 1968 Act");
8 the Violent Crime Control and Law Enforcement Act of
9 1994 (Public Law 103-322) ("the 1994 Act"); the Vic-
10 tims of Child Abuse Act of 1990 ("the 1990 Act"); the
11 Prosecutorial Remedies and Other Tools to End the Ex-
12 ploitation of Children Today Act of 2003 (Public Law
13 108-21); the Juvenile Justice and Delinquency Prevention
14 Act of 1974 ("the 1974 Act"); and the Victims of Traf-
15 ficking and Violence Protection Act of 2000 (Public Law
16 106-386); \$387,²⁷⁵~~727~~,000, including amounts for adminis-
17 trative costs, to remain available until expended: *Provided*,
18 That all balances, unobligated and obligated, be trans-
19 ferred from the Office of Justice Program to the Office (S)
20 on Violence Against Women within 60 days of enactment
21 of this Act: *Provided further*, That of the amount pro-
22 vided—

23 (1) \$11,897,000 for the court-appointed special
24 advocate program, as authorized by section 217 of
25 the 1990 Act;

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INSERT 21 A

from grants and activities administered by the Office on Violence Against Women shall

1 (2) \$1,925,000 for child abuse training pro-
2 grams for judicial personnel and practitioners, as
3 authorized by section 222 of the 1990 Act;

4 (3) \$983,000 for grants for televised testimony,
5 as authorized by Part N of the 1968 Act;

6 (4) \$187,086,000 for grants to combat violence
7 against women, as authorized by part T of the 1968
8 Act, of which:

9 (A) \$5,000,000 shall be for the National
10 Institute of Justice for research and evaluation
11 of violence against women;

12 (B) \$10,000,000 shall be for the Office of
13 Juvenile Justice and Delinquency Prevention
14 for the Safe Start Program, as authorized by
15 the 1974 Act; and

16 (C) \$12,500,000 shall be for transitional
17 housing assistance grants for victims of domes-
18 tic violence, stalking or sexual assault as au-
19 thorized by Public Law 108-21;

20 (5) \$63,491,000 for grants to encourage arrest
21 policies as authorized by part U of the 1968 Act;

22 (6) \$39,685,000 for rural domestic violence and
23 child abuse enforcement assistance grants, as au-
24 thorized by section 40295(a) of the 1994 Act;

1 (7) \$4,415,000 for training programs as au-
2 thorized by section 40152 of the 1994 Act, and for
3 related local demonstration projects;

4 (8) \$2,950,000 for grants to improve the stalk-
5 ing and domestic violence databases, as authorized
6 by section 40602 of the 1994 Act;

7 (9) \$9,175,000 to reduce violent crimes against
8 women on campus, as authorized by section 1108(a)
9 of Public Law 106-386;

10 (10) \$39,740,000 for legal assistance for vic-
11 tims, as authorized by section 1201(c) of Public Law
12 106-386;

13 (11) \$4,600,000 for enhancing protection for
14 older and disabled women from domestic violence
15 and sexual assault, as authorized by section 40802
16 of the 1994 Act;

17 (12) \$14,078,000 for the safe havens for chil-
18 dren pilot program, as authorized by section 1301(a)
19 of Public Law 106-386; and

20 (13) \$7,250,000 for education and training to
21 end violence against and abuse of women with dis-
22 abilities, as authorized by section 1402(a) of Public
23 Law 106-386.

1 OFFICE OF JUSTICE PROGRAMS

2 JUSTICE ASSISTANCE

3 For grants, contracts, cooperative agreements, and
4 other assistance authorized by title I of the Omnibus
5 Crime Control and Safe Streets Act of 1968, the Missing
6 Children's Assistance Act, including salaries and expenses
7 in connection therewith, the Prosecutorial Remedies and
8 Other Tools to end the Exploitation of Children Today Act
9 of 2003 (Public Law 108-21), and the Victims of Crime
10 Act of 1984, \$227,900,000, to remain available until ex-
11 pended.

12 STATE AND LOCAL LAW ENFORCEMENT ASSISTANCE

13 For grants, contracts, cooperative agreements, and
14 other assistance authorized by the Violent Crime Control
15 and Law Enforcement Act of 1994 (Public Law 103-322)
16 ("the 1994 Act"); the Omnibus Crime Control and Safe
17 Streets Act of 1968 ("the 1968 Act"); the Victims of
18 Trafficking and Violence Protection Act of 2000 (Public
19 Law 106-386); and other programs; \$1,295,510,000 (in-
20 cluding amounts for administrative costs, which shall be
21 transferred to and merged with the "Justice Assistance"
22 account): *Provided*, That funding provided under this
23 heading shall remain available until expended, as follows—

24 (1) \$634,000,000 for the Edward Byrne Memo-
25 rial Justice Assistance Grant program pursuant to
26 the amendments made by section 201 of H.R. 3036

1 of the 108th Congress, as passed by the House of
2 Representatives on March 30, 2004 (except that the
3 special rules for Puerto Rico established pursuant to
4 such amendments shall not apply for purposes of
5 this Act), of which—

6 (A) \$85,000,000 shall be for Boys and
7 Girls Clubs in public housing facilities and
8 other areas in cooperation with State and local
9 law enforcement, as authorized by section 401
10 of Public Law 104–294 (42 U.S.C. 13751
11 note);

12 (B) \$10,000,000 shall be available for the
13 National Institute of Justice in assisting units
14 of local government to identify, select, develop,
15 modernize, and purchase new technologies for
16 use by law enforcement; and

17 (C) \$2,500,000 for USA Freedom Corps
18 activities;

19 (2) \$305,000,000 for the State Criminal Alien
20 Assistance Program, as authorized by section 242(j)
21 of the Immigration and Nationality Act;

22 (3) \$30,000,000 is for the Southwest Border
23 Prosecutor Initiative to reimburse State, county,
24 parish, tribal, or municipal governments only for
25 costs associated with the prosecution of criminal

1 cases declined by local United States Attorneys of-
2 fices;

3 (4) \$18,000,000 for assistance to Indian tribes,
4 of which—

5 (A) \$5,000,000 shall be available for
6 grants under section 20109(a)(2) of subtitle A
7 of title II of the 1994 Act;

8 (B) \$8,000,000 shall be available for the
9 Tribal Courts Initiative; and

10 (C) \$5,000,000 shall be available for dem-
11 onstration projects on alcohol and crime in In-
12 dian Country;

13 (5) \$170,027,000 for discretionary grants au-
14 thorized by subpart 2 of part E, of title I of the
15 1968 Act, notwithstanding the provisions of section
16 511 of said Act;

17 (6) \$10,000,000 for victim services programs
18 for victims of trafficking, as authorized by section
19 107(b)(2) of Public Law 106–386;

20 (7) \$883,000 for the Missing Alzheimer’s Dis-
21 ease Patient Alert Program, as authorized by section
22 240001(c) of the 1994 Act;

23 (8) \$40,000,000 for Drug Courts, as authorized
24 by Part EE of the 1968 Act;

1 (9) \$2,000,000 for public awareness programs
2 addressing marketing scams aimed at senior citi-
3 zens, as authorized by section 250005(3) of the
4 1994 Act;

5 (10) \$10,000,000 for a prescription drug moni-
6 toring program;

7 (11) \$37,000,000 for prison rape prevention
8 and prosecution programs as authorized by the Pris-
9 on Rape Elimination Act of 2003 (Public Law 108-
10 79), of which \$1,000,000 shall be transferred to the
11 National Prison Rape Elimination Commission for
12 authorized activities;

13 (12) \$25,000,000 for grants for residential sub-
14 stance abuse treatment for State prisoners, as au-
15 thorized by part S of the 1968 Act;

16 (13) \$10,500,000 for a program to improve
17 State and local law enforcement intelligence capabili-
18 ties including training to ensure that constitutional
19 rights, civil liberties, civil rights, and privacy inter-
20 ests are protected throughout the intelligence proc-
21 ess;

22 (14) \$1,000,000 for a State and local law en-
23 forcement hate crimes training and technical assist-
24 ance program;

1 (15) \$2,000,000 for Law Enforcement Family
2 Support Programs, as authorized by section
3 1001(a)(21) of the 1968 Act; and

4 (16) \$100,000 for Motor Vehicle Theft Preven-
5 tion Programs, as authorized by section 220002(h)
6 of the 1994 Act:

7 *Provided*, That, if a unit of local government uses any of
8 the funds made available under this title to increase the
9 number of law enforcement officers, the unit of local gov-
10 ernment will achieve a net gain in the number of law en-
11 forcement officers who perform nonadministrative public
12 safety service.

13 WEED AND SEED PROGRAM FUND

14 For necessary expenses, including salaries and re-
15 lated expenses of the Executive Office for Weed and Seed,
16 to implement “Weed and Seed” program activities,
17 \$62,000,000, to remain available until September 30,
18 2006, for inter-governmental agreements, including
19 grants, cooperative agreements, and contracts, with State
20 and local law enforcement agencies, non-profit organiza-
21 tions, and agencies of local government engaged in the in-
22 vestigation and prosecution of violent and gang-related
23 crimes and drug offenses in “Weed and Seed” designated
24 communities, and for either reimbursements or transfers
25 to appropriation accounts of the Department of Justice
26 and other Federal agencies which shall be specified by the

1 Attorney General to execute the "Weed and Seed" pro-
2 gram strategy: *Provided*, That funds designated by Con-
3 gress through language for other Department of Justice
4 appropriation accounts for "Weed and Seed" program ac-
5 tivities shall be managed and executed by the Attorney
6 General through the Executive Office for Weed and Seed:
7 *Provided further*, That the Attorney General may direct
8 the use of other Department of Justice funds and per-
9 sonnel in support of "Weed and Seed" program activities
10 only after the Attorney General notifies the Committees
11 on Appropriations of the House of Representatives and the
12 Senate in accordance with section 605 of this Act: *Pro-*
13 *vided further*, That of the funds appropriated for the Exec-
14 utive Office for Weed and Seed, \$2,000,000 shall be di-
15 rected for comprehensive community development training
16 and technical assistance.

17 COMMUNITY ORIENTED POLICING SERVICES

18 For activities authorized by the Violent Crime Con-
19 trol and Law Enforcement Act of 1994 (Public Law 103-
20 322) (including administrative costs), \$606,446,000, to
21 remain available until expended: *Provided*, That funds
22 that become available as a result of deobligations from
23 prior year balances may not be obligated except in accord-
24 ance with section 605 of this Act: *Provided further*, That
25 of the funds under this heading, not to exceed \$2,575,000
26 shall be available for the Office of Justice Programs for

1 reimbursable services associated with programs adminis-
2 tered by the Community Oriented Policing Services Office:
3 *Provided further*, That section 1703(b) and (c) of the Om-
4 nibus Crime Control and Safe Streets Act of 1968 (“the
5 1968 Act”) shall not apply to non-hiring grants made pur-
6 suant to part Q of title I thereof (42 U.S.C. 3796dd et
7 seq.). Of the amounts provided—

8 (1) \$10,000,000 is for the hiring of law en-
9 forcement officers, including \$5,000,000 for school
10 resource officers;

11 (2) \$15,000,000 is for training and technical
12 assistance;

13 (3) \$20,000,000 is for improving tribal law en-
14 forcement including equipment and training;

15 (4) \$100,000,000 is for the COPS Interoper-
16 able Communications Technology Program;

17 (5) \$7,500,000 is for a police integrity pro-
18 gram;

19 (6) \$25,000,000 is for the matching grant pro-
20 gram for law enforcement armor vests as authorized
21 by section 2501 of part Y of the 1968 Act: *Provided*,
22 That not to exceed 2 percent of such funds shall be
23 available to the Office of Justice Programs for test-
24 ing of and research relating to law enforcement
25 armor vests;

1 (7) \$52,556,000 is for policing initiatives to
2 combat methamphetamine production and traf-
3 ficking and to enhance policing initiatives in "drug
4 hot spots";

5 (8) \$15,000,000 is for Police Corps education
6 and training: *Provided*, That the out-year program
7 costs of new recruits shall be fully funded from
8 funds currently available;

9 (9) ~~\$138,095,000~~ is for a law enforcement tech-
10 nology program;

11 (10) \$25,000,000 is for grants to upgrade
12 criminal records, as authorized under the Crime
13 Identification Technology Act of 1998 (42 U.S.C.
14 14601);

15 (11) \$28,450,000 is for grants, contracts and
16 other assistance to States under section 102(b) of
17 the Crime Identification Technology Act of 1998 (42
18 U.S.C. 14601);

19 (12) \$110,000,000 is for a DNA analysis and
20 capacity enhancement program;

21 (13) \$15,000,000 is for Paul Coverdell Forensic
22 Sciences Improvement Grants under part BB of title
23 I of the 1968 Act (42 U.S.C. 3797j et seq.);

24 (14) \$10,000,000 is for an offender re-entry
25 program, as authorized by Public Law 107-273;

\$138,615,000

1 (15) \$4,325,000 is for the Safe Schools Initia-
2 tive; and

3 (16) not to exceed \$30,000,000 is for program
4 management and administration.

5 JUVENILE JUSTICE PROGRAMS

6 For grants, contracts, cooperative agreements, and
7 other assistance authorized by the Juvenile Justice and
8 Delinquency Prevention Act of 1974 (“the Act”), and
9 other juvenile justice programs, including salaries and ex-
10 penses in connection therewith to be transferred to and
11 merged with the appropriations for Justice Assistance,
12 \$384,177,000, to remain available until expended, as fol-
13 lows—

14 (1) \$3,000,000 for concentration of Federal ef-
15 forts, as authorized by section 204 of the Act;

16 (2) \$84,000,000 for State and local programs
17 authorized by section 221 of the Act, including
18 training and technical assistance to assist small,
19 non-profit organizations with the Federal grants
20 process;

21 (3) \$102,177,000 for demonstration projects, as
22 authorized by sections 261 and 262 of the Act;

23 (4) \$10,000,000 for research, evaluation, train-
24 ing and technical assistance, as authorized by sec-
25 tions 251 and 252 of the Act;

1 (5) \$15,000,000 for juvenile mentoring pro-
2 grams;

3 (6) \$80,000,000 for delinquency prevention, as
4 authorized by section 505 of the Act, of which—

5 (A) \$10,000,000 shall be for the Tribal
6 Youth Program;

7 (B) \$25,000,000 shall be for a gang resist-
8 ance education and training program to be ad-
9 ministered by the Bureau of Justice Assistance
10 and to be coordinated with the Bureau of Alco-
11 hol, Tobacco, Firearms and Explosives and the
12 Office of Juvenile Justice and Delinquency Pre-
13 vention; and

14 (C) \$25,000,000 shall be for grants of
15 \$360,000 to each State and \$6,640,000 shall be
16 available for discretionary grants to States, for
17 programs and activities to enforce State laws
18 prohibiting the sale of alcoholic beverages to
19 minors or the purchase or consumption of alco-
20 holic beverages by minors, prevention and re-
21 duction of consumption of alcoholic beverages
22 by minors, and for technical assistance and
23 training;

24 (7) \$5,000,000 for Project Childsafe;

1 (8) \$15,000,000 for the Secure Our Schools
2 Act as authorized by Public Law 106-386;

3 (9) \$15,000,000 for programs authorized by
4 the Victims of Child Abuse Act of 1990; and

5 (10) \$55,000,000 for the Juvenile Account-
6 ability Block Grants program as authorized by Pub-
7 lic Law 107-273 and Guam shall be considered a
8 State:

9 *Provided*, That not more than 10 percent of each amount
10 may be used for research, evaluation, and statistics activi-
11 ties designed to benefit the programs or activities author-
12 ized: *Provided further*, That not more than 2 percent of
13 each amount may be used for training and technical as-
14 sistance.

15 PUBLIC SAFETY OFFICERS BENEFITS

16 To remain available until expended, for payments au-
17 thorized by part L of title I of the Omnibus Crime Control
18 and Safe Streets Act of 1968 (42 U.S.C. 3796), such sums
19 as are necessary, as authorized by section 6093 of Public
20 Law 100-690 (102 Stat. 4339-4340) ~~(increased by~~
21 ~~\$50,000)~~; and \$3,615,000, to remain available until ex-
22 pended for payments as authorized by section 1201(b) of
23 said Act; and \$2,795,000 for educational assistance, as
24 authorized by section 1212 of the 1968 Act.

1 GENERAL PROVISIONS—DEPARTMENT OF JUSTICE

2 SEC. 101. In addition to amounts otherwise made
3 available in this title for official reception and representa-
4 tion expenses, a total of not to exceed \$60,000 from funds
5 appropriated to the Department of Justice in this title
6 shall be available to the Attorney General for official re-
7 ception and representation expenses.

8 SEC. 102. None of the funds appropriated by this
9 title shall be available to pay for an abortion, except where
10 the life of the mother would be endangered if the fetus
11 were carried to term, or in the case of rape: *Provided*,
12 That should this prohibition be declared unconstitutional
13 by a court of competent jurisdiction, this section shall be
14 null and void.

15 SEC. 103. None of the funds appropriated under this
16 title shall be used to require any person to perform, or
17 facilitate in any way the performance of, any abortion.

18 SEC. 104. Nothing in the preceding section shall re-
19 move the obligation of the Director of the Bureau of Pris-
20 ons to provide escort services necessary for a female in-
21 mate to receive such service outside the Federal facility:
22 *Provided*, That nothing in this section in any way dimin-
23 ishes the effect of section 103 intended to address the phil-
24 osophical beliefs of individual employees of the Bureau of
25 Prisons.

1 SEC. 105. Authorities contained in the 21st Century
2 Department of Justice Appropriations Authorization Act
3 (Public Law 107–273) shall remain in effect until the ef-
4 fective date of a subsequent Department of Justice appro-
5 priations authorization Act.

6 SEC. 106. Not to exceed 5 percent of any appropria-
7 tion made available for the current fiscal year for the De-
8 partment of Justice in this Act may be transferred be-
9 tween such appropriations, but no such appropriation, ex-
10 cept as otherwise specifically provided, shall be increased
11 by more than 10 percent by any such transfers: *Provided*,
12 That any transfer pursuant to this section shall be treated
13 as a reprogramming of funds under section 605 of this
14 Act and shall not be available for obligation except in com-
15 pliance with the procedures set forth in that section: *Pro-*
16 *vided further*, That none of the funds appropriated to
17 “Buildings and Facilities, Federal Prison System” in this
18 or any other Act may be transferred to “Salaries and Ex-
19 penses, Federal Prison System”, or any other Department
20 of Justice account, unless the President certifies that such
21 a transfer is necessary to the national security interests
22 of the United States, and such authority shall not be dele-
23 gated, and shall be subject to Section 605 of this Act.

24 SEC. 107. Section 114 of Public Law 107–77 shall
25 remain in effect during fiscal year 2005.

1 SEC. 108. In addition to the amounts provided under
2 “Salaries and Expenses, United States Attorneys”,
3 \$15,000,000 shall be for Project Seahawk and shall re-
4 main available until expended.

5 SEC. 109. The Attorney General is authorized to ex-
6 tend through September 30, 2006, the Personnel Manage-
7 ment Demonstration Project transferred to the Attorney
8 General pursuant to section 1115 of the Homeland Secu-
9 rity Act of 2002, Public Law 107–296 (6 U.S.C. 533)
10 without limitation on the number of employees or the posi-
11 tions covered.

12 SEC. 110. (a) None of the funds made available in
13 this Act may be used by the Drug Enforcement Adminis-
14 tration to establish a procurement quota following the ap-
15 proval of a new drug application or an abbreviated new
16 drug application for a controlled substance.

17 (b) The limitation established in subsection (a) shall
18 not apply until 180 days after enactment of this Act.

19 SEC. 111. The limitation established in the preceding
20 section shall not apply to any new drug application or ab-
21 breviated new drug application for which the Drug En-
22 forcement Administration has reviewed and provided pub-
23 lic comments on labeling, promotion, risk management
24 plans, and any other documents.

1 SEC. 112. (a) Section 8335(b) of title 5, United
2 States Code, is amended—

3 (1) by striking “(b)” and inserting “(b)(1)”;
4 and

5 (2) by adding at the end the following:

6 “(2) In the case of employees of the Federal Bureau
7 of Investigation, the second sentence of paragraph (1)
8 shall be applied by substituting ‘65 years of age’ for ‘60
9 years of age’. The authority to grant exemptions in ac-
10 cordance with the preceding sentence shall cease to be
11 available after December 31, 2009.”.

12 (b) Section 8425(b) of title 5, United States Code,
13 is amended—

14 (1) by striking “(b)” and inserting “(b)(1)”;
15 and

16 (2) by adding at the end the following:

17 “(2) In the case of employees of the Federal Bureau
18 of Investigation, the second sentence of paragraph (1)
19 shall be applied by substituting ‘65 years of age’ for ‘60
20 years of age’. The authority to grant exemptions in ac-
21 cordance with the preceding sentence shall cease to be
22 available after December 31, 2009.”.

23 SEC. 113. (a) Subchapter IV of chapter 57 of title
24 5, United States Code, is amended by adding at the end
25 the following:

1 **“§ 5759. Retention and relocation bonuses for the**
2 **Federal Bureau of Investigation**

3 “(a) **AUTHORITY.**—The Director of the Federal Bu-
4 reau of Investigation, after consultation with the Director
5 of the Office of Personnel Management, may pay, on a
6 case-by-case basis, a bonus under this section to an em-
7 ployee of the Bureau if—

8 “(1)(A) the unusually high or unique qualifica-
9 tions of the employee or a special need of the Bu-
10 reau for the employee’s services makes it essential to
11 retain the employee; and

12 “(B) the Director of the Federal Bureau of In-
13 vestigation determines that, in the absence of such
14 a bonus, the employee would be likely to leave—

15 “(i) the Federal service; or

16 “(ii) for a different position in the Federal
17 service; or

18 “(2) the individual is transferred to a different
19 geographic area with a higher cost of living (as de-
20 termined by the Director of the Federal Bureau of
21 Investigation).

22 “(b) **SERVICE AGREEMENT.**—Payment of a bonus
23 under this section is contingent upon the employee enter-
24 ing into a written service agreement with the Bureau to
25 complete a period of service with the Bureau. Such agree-
26 ment shall include—

1 “(1) the period of service the individual shall be
2 required to complete in return for the bonus; and

3 “(2) the conditions under which the agreement
4 may be terminated before the agreed-upon service
5 period has been completed, and the effect of the ter-
6 mination.

7 “(c) LIMITATION ON AUTHORITY.—A bonus paid
8 under this section may not exceed 50 percent of the em-
9 ployee’s basic pay.

10 “(d) IMPACT ON BASIC PAY.—A retention bonus is
11 not part of the basic pay of an employee for any purpose.

12 “(e) TERMINATION OF AUTHORITY.—The authority
13 to grant bonuses under this section shall cease to be avail-
14 able after December 31, 2009.”.

(b) The analysis for chapter 57 of title 5, United States Code, is amended by adding at the end the following:

"5759. Retention and relocation bonuses for the Federal Bureau of Investigation,".

18 SEC. 114. (a) Chapter 35 of title 5 of the United
19 States Code is amended by adding at the end the fol-
20 lowing:

1 “SUBCHAPTER VII—RETENTION OF RETIRED
2 SPECIALIZED EMPLOYEES AT THE FED-
3 ERAL BUREAU OF INVESTIGATION

4 “§ 3598. **Federal Bureau of Investigation Reserve**
5 **Service**

6 “(a) ESTABLISHMENT.—The Director of the Federal
7 Bureau of Investigation may provide for the establishment
8 and training of a Federal Bureau of Investigation Reserve
9 Service (hereinafter in this section referred to as the ‘FBI
10 Reserve Service’) for temporary reemployment of employ-
11 ees in the Bureau during periods of emergency, as deter-
12 mined by the Director.

13 “(b) MEMBERSHIP.—Membership in the FBI Re-
14 serve Service shall be limited to individuals who previously
15 served as full-time employees of the Bureau.

16 “(c) ANNUITANTS.—If an annuitant receiving an an-
17 nuity from the Civil Service Retirement and Disability
18 Fund becomes temporarily reemployed pursuant to this
19 section, such annuity shall not be discontinued thereby.
20 An annuitant so reemployed shall not be considered an
21 employee for the purposes of chapter 83 or 84.

22 “(d) NO IMPACT ON BUREAU PERSONNEL CEIL-
23 ING.—FBI Reserve Service members reemployed on a
24 temporary basis pursuant to this section shall not count
25 against any personnel ceiling applicable to the Bureau.

1 “(e) EXPENSES.—The Director may provide mem-
2 bers of the FBI Reserve Service transportation and per
3 diem in lieu of subsistence, in accordance with applicable
4 provisions of this title, for the purpose of participating in
5 any training that relates to service as a member of the
6 FBI Reserve Service.

7 “(f) LIMITATION ON MEMBERSHIP.—Membership of
8 the FBI Reserve Service is not to exceed 500 members
9 at any given time.”.

10 SEC. 115. Section 5377(a)(2) of title 5, United States
11 Code, is amended—

12 (1) by striking “and” at the end of subpara-
13 graph (E);

14 (2) by striking the period at the end of sub-
15 paragraph (F) and inserting “; and”; and

16 (3) by inserting after subparagraph (F) the fol-
17 lowing:

18 “(G) a position at the Federal Bureau of
19 Investigation, the primary duties and respon-
20 sibilities of which relate to intelligence functions
21 (as determined by the Director of the Federal
22 Bureau of Investigation).”.

23 SEC. 116. Notwithstanding any other provision of
24 law, Public Law 102-395 section 102(b) shall extend to
25 the Bureau of Alcohol, Tobacco, Firearms and Explosives


INSERT
42A

INSERT 42A

~~HOUSE~~

(b) The analysis for chapter 35 of title 5, United States Code, is amended by adding at the end the following:

"SUBCHAPTER VII—RETENTION OF RETIRED SPECIALIZED EMPLOYEES AT
THE FEDERAL BUREAU OF INVESTIGATION

"3598. Federal Bureau of Investigation reserve service." 

1 in the conduct of undercover investigative operations and
2 shall apply without fiscal year limitation with respect to
3 any undercover investigative operation initiated by the Bu-
4 reau of Alcohol, Tobacco, Firearms and Explosives that
5 is necessary for the detection and prosecution of crimes
6 against the United States.

7 SEC. 117. Section 1344 of Title 31 of the United
8 States Code, is amended in subsection (b) paragraph (6)
9 by inserting after "Federal Bureau of Investigation," the
10 words "Director of the Bureau of Alcohol, Tobacco, Fire-
11 arms and Explosives". This amendment shall take effect
12 as if enacted on January 1, 2004.

13 SEC. 118. Within 45 days of enactment of this Act,
14 the Bureau of Prisons will submit a comprehensive finan-
15 cial plan for the Federal Prison System to the Committees
16 on Appropriations.

17 SEC. 119. The Bureau of Prisons shall implement a
18 pilot program in the Southern District of Florida which
19 would allow the Federal Public Defender to transfer com-
20 puters to the local detention facility to review electronic
21 discovery. These computers will be used according to
22 schedules and protocols developed by the staff of the local
23 facility in consultation with the Federal Defender and the
24 District Court's Criminal Justice Act Selection Com-
25 mittee.

1 SEC. 120. None of the funds made available to the
2 Department of Justice in this Act may be used for the
3 purpose of transporting an individual who is a prisoner
4 pursuant to conviction for crime under State or Federal
5 law and is classified as a maximum or high security pris-
6 oner, other than to a prison or other facility certified by
7 the Federal Bureau of Prisons as appropriately secure for
8 housing such a prisoner.

9 SEC. 121. (a) None of the funds appropriated by this
10 Act may be used by Federal prisons to purchase cable tele-
11 vision services, to rent or purchase videocassettes, video-
12 cassette recorders, or other audiovisual or electronic equip-
13 ment used primarily for recreational purposes.

14 (b) The preceding sentence does not preclude the
15 renting, maintenance, or purchase of audiovisual or elec-
16 tronic equipment for inmate training, religious, or edu-
17 cational programs.

18 SEC. 122. Section 3(e) of the Radiation Exposure
19 Compensation Act (42 U.S.C. 2210 note) is amended—

20 (1) in paragraph (1), by striking “through fis-
21 cal year 2011”; and

22 (2) in paragraph (2), by striking subparagraphs
23 (E) through (J).

24 SEC. 123. The Prison Rape Elimination Act of 2003
25 is amended—

1 (1) in section 7—

2 (A) in the heading by striking “**REDUC-**
3 **TION**” and inserting “**ELIMINATION**”; and

4 (B) in subsection (a) by striking “Reduc-
5 tion” and inserting “Elimination”; and

6 (2) in section 1(b), by striking “Reduction” in
7 the item relating to section 7 and inserting “Elimi-
8 nation”.

9 SEC. 124. (a) The President shall award and present
10 a 9/11 Heroes Medal of Valor of appropriate design, with
11 ribbons and appurtenances, to an appropriate representa-
12 tive of those individuals who were members of public safe-
13 ty agencies and were killed in the terrorist attacks in the
14 United States on September 11, 2001, as certified by the
15 Attorney General, on behalf of such individuals.

16 (b) The presentation of medals pursuant to sub-
17 section (a) shall be made as close as feasible to the 4th
18 anniversary of the terrorist attacks described in that sub-
19 section.

20 (c)(1) To be eligible for the medal referred to in sub-
21 section (a), an individual shall have been a public safety
22 officer (as defined in section 5 of the Public Safety Officer
23 Medal of Valor Act of 2001) who—

24 (A) was present in New York, Virginia, or
25 Pennsylvania on September 11, 2001;

1 (B) participated in the response that day to the
2 terrorist attacks on the World Trade Center, the ter-
3 rorist attack on the Pentagon, or the terrorist attack
4 that resulted in the crash of the fourth airplane in
5 Pennsylvania; and

6 (C) died as a result of such participation.

7 (2) An individual who was killed in one of the attacks
8 referred to in paragraph (1)(B) shall be deemed, for pur-
9 poses of the eligibility requirement of that paragraph, to
10 have participated in the response.

11 (3) The certification of eligible recipients of the medal
12 under subsection (a) shall be completed by the Attorney
13 General by July 1, 2005.

14 (d)(1)(A) The design of the medal under this section
15 shall be selected by the Attorney General after consulta-
16 tion with—

17 (i) the Commission of Fine Arts; and

18 (ii) the Institute of Heraldry within the Depart-
19 ment of Defense, regarding the design and artistry
20 of the 9/11 Heroes Medal of Valor.

21 (B) The Attorney General may also consider sugges-
22 tions received by the Department of Justice regarding the
23 design of the medal, including those made by persons not
24 employed by the Department of Justice.

1 (2) After such consultation and selection of design,
2 the Attorney General shall make necessary arrangements
3 with the Secretary of the Treasury for the Secretary to
4 prepare and strike, on a reimbursable basis, such number
5 of medals as may be required to carry out this section.

6 (3) The medals struck under this section are national
7 medals for purposes of chapter 51 of title 31, United
8 States Code.

9 (e) The Attorney General shall establish such proce-
10 dures and requirements as may be necessary to carry out
11 this section.

12 (f) There are authorized to be appropriated to the
13 Attorney General such sums as may be necessary to carry
14 out this section.

15 SEC. 125. (a) The Attorney General shall transfer,
16 without reimbursement, to the Secretary of the Army a
17 parcel of real property, including any improvements there-
18 on, consisting of approximately 57.8 acres located on
19 River Road in Prince George County, Virginia. The real
20 property is currently under the administrative jurisdiction
21 of the Bureau of Prisons. Upon transfer of the real prop-
22 erty under this subsection, the Secretary of the Army shall
23 assume administrative and jurisdictional accountability
24 over property and include the property as part of Fort
25 Lee, Virginia.

1 (b) The exact acreage and legal description of the real
2 property to be transferred under subsection (a) shall be
3 determined by a survey satisfactory to the Secretary of
4 the Army.

5 SEC. 126. The Department of Justice shall establish
6 an Office of Justice for Victims of Overseas Terrorism.

7 This title may be cited as the "Department of Justice
8 Appropriations Act, 2005".

9 TITLE II—DEPARTMENT OF COMMERCE AND
10 RELATED AGENCIES

11 ~~C+Sc~~ TRADE AND INFRASTRUCTURE DEVELOPMENT ~~C+Sc~~

12 RELATED AGENCIES

13 OFFICE OF THE UNITED STATES TRADE

14 REPRESENTATIVE

15 SALARIES AND EXPENSES

16 For necessary expenses of the Office of the United
17 States Trade Representative, including the hire of pas-
18 senger motor vehicles and the employment of experts and
19 consultants as authorized by 5 U.S.C. 3109, \$41,552,000,
20 of which \$1,000,000 shall remain available until expended:
21 *Provided*, That not to exceed \$124,000 shall be available
22 for official reception and representation expenses: *Pro-*
23 *vided further*, That not less than \$2,000,000 provided
24 under this heading shall be for expenses authorized by 19
25 U.S.C. 2451 and 1677b(c): *Provided further*, That nego-

1 tiations shall be conducted within the World Trade Orga-
2 nization to recognize the right of members to distribute
3 monies collected from antidumping and countervailing du-
4 ties: *Provided further*, That there is established a position
5 of Chief Negotiator for Intellectual Property Enforcement.

6 NATIONAL INTELLECTUAL PROPERTY LAW

7 ENFORCEMENT COORDINATION COUNCIL

8 For necessary expenses of the National Intellectual
9 Property Law Enforcement Coordination Council to co-
10 ordinate domestic and international intellectual property
11 protection and law enforcement relating to intellectual
✓ 12 property among Federal and foreign entities, \$2,000,000,
13 to remain available until September 30, 2006: *Provided*,
14 That there shall be at the head of the National Intellectual
15 Property Law Enforcement Coordination Council a Coor-
16 dinator for International Intellectual Property Enforce-
17 ment: *Provided further*, That the Coordinator for Inter-
18 national Intellectual Property Enforcement shall be ap-
19 pointed by the President: *Provided further*, That no person
20 shall serve as the Coordinator for International Intellec-
21 tual Property Enforcement while serving in any other po-
22 sition in the Federal Government: *Provided further*, That
23 the co-chairs of the National Intellectual Property Law
24 Enforcement Coordination Council, as designated by Pub-
25 lic Law 106-58, shall report to the Coordinator for Inter-

1 national Intellectual Property Enforcement on matters
2 concerning the National Intellectual Property Law En-
3 forcement Coordination Council: *Provided further*, That
4 the National Intellectual Property Law Enforcement Co-
5 ordination Council shall—

6 (1) establish policies, objectives, and priorities
7 concerning international intellectual property protec-
8 tion and intellectual property law enforcement;

9 (2) promulgate a strategy for protecting Amer-
10 ican intellectual property overseas; and

11 (3) coordinate and oversee implementation by
12 agencies with responsibilities for intellectual property
13 protection and intellectual property law enforcement
14 of the policies, objectives, and priorities established
15 under paragraph (1) and the fulfillment of the re-
16 sponsibilities assigned to such agencies in the strat-
17 egy described in paragraph (2):

18 *Provided further*, That the Coordinator for International
19 Intellectual Property Enforcement shall develop for each
20 fiscal year, with the advice of the members of the National
21 Intellectual Property Law Enforcement Coordination
22 Council and any other departments and agencies with re-
23 sponsibilities for intellectual property protection and intel-
24 lectual property law enforcement, a budget proposal to im-
25 plement the strategy described in paragraph (2) and for

1 the operations of the National Intellectual Property Law
2 Enforcement Coordination Council, and shall transmit
3 such budget proposal to the President and to the Con-
4 gress: *Provided further*, That the Coordinator for Inter-
5 national Intellectual Property Enforcement may select, ap-
6 point, employ, and fix compensation of such officers and
7 employees as may be necessary to carry out the functions
8 of the National Intellectual Property Law Enforcement
9 Coordination Council: *Provided further*, That the Coordi-
10 nator for International Intellectual Property Enforcement
11 may direct, with the concurrence of the Secretary of a de-
12 partment or head of an agency, the temporary reassign-
13 ment within the Federal Government of personnel em-
14 ployed by such department or agency.

15 INTERNATIONAL TRADE COMMISSION

16 SALARIES AND EXPENSES

17 For necessary expenses of the International Trade
18 Commission, including hire of passenger motor vehicles,
19 and services as authorized by 5 U.S.C. 3109, and not to
20 exceed \$2,500 for official reception and representation ex-
21 penses, \$61,700,000, to remain available until expended.

1 DEPARTMENT OF COMMERCE
2 INTERNATIONAL TRADE ADMINISTRATION
3 OPERATIONS AND ADMINISTRATION

4 For necessary expenses for international trade activi-
5 ties of the Department of Commerce provided for by law,
6 and for engaging in trade promotional activities abroad,
7 including expenses of grants and cooperative agreements
8 for the purpose of promoting exports of United States
9 firms, without regard to 44 U.S.C. 3702 and 3703; full
10 medical coverage for dependent members of immediate
11 families of employees stationed overseas and employees
12 temporarily posted overseas; travel and transportation of
13 employees of the United States and Foreign Commercial
14 Service between two points abroad, without regard to 49
15 U.S.C. 40118; employment of Americans and aliens by
16 contract for services; rental of space abroad for periods
17 not exceeding 10 years, and expenses of alteration, repair,
18 or improvement; purchase or construction of temporary
19 demountable exhibition structures for use abroad; pay-
20 ment of tort claims, in the manner authorized in the first
21 paragraph of 28 U.S.C. 2672 when such claims arise in
22 foreign countries; not to exceed \$327,000 for official rep-
23 resentation expenses abroad; purchase of passenger motor
24 vehicles for official use abroad, not to exceed \$30,000 per
25 vehicle; obtaining insurance on official motor vehicles; and

1 rental of tie lines, \$401,513,000, to remain available until
2 expended, of which \$8,000,000 is to be derived from fees
3 to be retained and used by the International Trade Admin-
4 istration, notwithstanding 31 U.S.C. 3302: *Provided*, That
5 \$48,509,000 shall be for Manufacturing and Services;
6 \$40,087,000 shall be for Market Access and Compliance;
7 \$64,544,000 shall be for the Import Administration of
8 which not less than \$3,000,000 is for the Office of China
9 Compliance; \$222,365,000 shall be for the United States
10 and Foreign Commercial Service of which \$1,500,000 is
11 for the Advocacy Center, \$2,500,000 is for the Trade In-
12 formation Center, and \$2,100,000 is for a China and Mid-
13 dle East Business Center; and \$26,008,000 shall be for
14 Executive Direction and Administration: *Provided further*,
15 That the provisions of the first sentence of section 105(f)
16 and all of section 108(c) of the Mutual Educational and
17 Cultural Exchange Act of 1961 (22 U.S.C. 2455(f) and
18 2458(c)) shall apply in carrying out these activities with-
19 out regard to section 5412 of the Omnibus Trade and
20 Competitiveness Act of 1988 (15 U.S.C. 4912); and that
21 for the purpose of this Act, contributions under the provi-
22 sions of the Mutual Educational and Cultural Exchange
23 Act of 1961 shall include payment for assessments for
24 services provided as part of these activities: *Provided fur-*
25 *ther*, That negotiations shall be conducted within the

1 World Trade Organization to recognize the right of mem-
2 bers to distribute monies collected from antidumping and
3 countervailing duties: *Provided further*, That of the
4 amount provided, \$1,000,000 is for a grant to the United
5 States Air and Trade Show Inc. to study the feasibility
6 of the establishment and operation of a biennial United
7 States international air trade show to promote inter-
8 national exports from the United States and for initial ex-
9 penses of implementing the recommendations set forth in
10 the study: *Provided further*, That for purposes of section
11 31.205(d)(2) of the Federal Acquisition Regulation, any
12 international air and trade show conducted by the grantee
13 shall be considered to be ~~trade~~ containing a significant ef- *(show*
14 fort to promote exports from the United States.

15 BUREAU OF INDUSTRY AND SECURITY

16 OPERATIONS AND ADMINISTRATION

17 For necessary expenses for export administration and
18 national security activities of the Department of Com-
19 merce, including costs associated with the performance of
20 export administration field activities both domestically and
21 abroad; full medical coverage for dependent members of
22 immediate families of employees stationed overseas; em-
23 ployment of Americans and aliens by contract for services
24 abroad; payment of tort claims, in the manner authorized
25 in the first paragraph of 28 U.S.C. 2672 when such claims

1 arise in foreign countries; not to exceed \$15,000 for offi-
2 cial representation expenses abroad; awards of compensa-
3 tion to informers under the Export Administration Act of
4 1979, and as authorized by 22 U.S.C. 401(b); and pur-
5 chase of passenger motor vehicles for official use and
6 motor vehicles for law enforcement use with special re-
7 quirement vehicles eligible for purchase without regard to
8 any price limitation otherwise established by law,
9 \$68,393,000, to remain available until expended, of which
10 \$7,200,000 shall be for inspections and other activities re-
11 lated to national security: *Provided*, That the provisions
12 of the first sentence of section 105(f) and all of section
13 108(c) of the Mutual Educational and Cultural Exchange
14 Act of 1961 (22 U.S.C. 2455(f) and 2458(c)) shall apply
15 in carrying out these activities: *Provided further*, That
16 payments and contributions collected and accepted for ma-
17 terials or services provided as part of such activities may
18 be retained for use in covering the cost of such activities,
19 and for providing information to the public with respect
20 to the export administration and national security activi-
21 ties of the Department of Commerce and other export con-
22 trol programs of the United States and other govern-
23 ments.

1 ECONOMIC DEVELOPMENT ADMINISTRATION

2 ECONOMIC DEVELOPMENT ASSISTANCE PROGRAMS

3 For grants for economic development assistance as
4 provided by the Public Works and Economic Development
5 Act of 1965, and for trade adjustment assistance,
6 \$257,423,000, to remain available until expended.

7 SALARIES AND EXPENSES

8 For necessary expenses of administering the eco-
9 nomic development assistance programs as provided for by
10 law, \$30,483,000: *Provided*, That these funds may be used
11 to monitor projects approved pursuant to title I of the
12 Public Works Employment Act of 1976, title II of the
13 Trade Act of 1974, and the Community Emergency
14 Drought Relief Act of 1977.

15 MINORITY BUSINESS DEVELOPMENT AGENCY

16 MINORITY BUSINESS DEVELOPMENT

17 For necessary expenses of the Department of Com-
18 merce in fostering, promoting, and developing minority
19 business enterprise, including expenses of grants, con-
20 tracts, and other agreements with public or private organi-
21 zations, \$29,899,000.

22 ECONOMIC AND INFORMATION INFRASTRUCTURE

23 ECONOMIC AND STATISTICAL ANALYSIS

24 SALARIES AND EXPENSES

25 For necessary expenses, as authorized by law, of eco-
26 nomic and statistical analysis programs of the Department

1 of Commerce, \$80,000,000, to remain available until Sep-
2 tember 30, 2006, of which \$2,000,000 is for a grant to
3 the National Academy of Public Administration to study
4 impacts of off-shoring on the economy and workforce of
5 the United States.

6 BUREAU OF THE CENSUS

7 SALARIES AND EXPENSES

8 For expenses necessary for collecting, compiling, ana-
9 lyzing, preparing, and publishing statistics, provided for
10 by law, \$198,765,000.

11 PERIODIC CENSUSES AND PROGRAMS

12 For necessary expenses related to the 2010 decennial
13 census, \$393,515,000, to remain available until September
14 30, 2006: *Provided*, That of the total amount available re-
15 lated to the 2010 decennial census, \$165,196,000 is for
16 the Re-engineered Design Process for the Short-Form
17 Only Census, \$146,009,000 is for the American Commu-
18 nity Survey, and \$82,310,000 is for the Master Address
19 File/Topologically Integrated Geographic Encoding and
20 Referencing (MAF/TIGER) system.

21 In addition, for expenses to collect and publish statis-
22 tics for other periodic censuses and programs provided for
23 by law, \$162,601,000, to remain available until September
24 30, 2006, of which \$73,473,000 is for economic statistics
25 programs and \$89,128,000 is for demographic statistics
26 programs: *Provided*, That regarding construction of a fa-

1 cility at the Suitland Federal Center, quarterly reports re-
2 garding the expenditure of funds and project planning, de-
3 sign and cost decisions shall be provided by the Bureau,
4 in cooperation with the General Services Administration,
5 to the Committees on Appropriations of the Senate and
6 the House of Representatives: *Provided further*, That none
7 of the funds provided in this or any other Act under the
8 heading "Bureau of the Census, Periodic Censuses and
9 Programs" shall be used to fund the construction and ten-
10 ant build-out costs of a facility at the Suitland Federal
11 Center: *Provided further*, That none of the funds provided
12 in this or any other Act for any fiscal year may be used
13 for the collection of Census data on race identification that
14 does not include "some other race" as a catagory.

15 NATIONAL TELECOMMUNICATIONS AND INFORMATION

16 ADMINISTRATION

17 SALARIES AND EXPENSES

18 For necessary expenses, as provided for by law, of
19 the National Telecommunications and Information Ad-
20 ministration (NTIA), \$17,433,000, to remain available
21 until September 30, 2006: *Provided*, That, notwith-
22 standing 31 U.S.C. 1535(d), the Secretary of Commerce
23 shall charge Federal agencies for costs incurred in spec-
24 trum management, analysis, and operations, and related
25 services and such fees shall be retained and used as offset-

1 ting collections for costs of such spectrum services, to re-
2 main available until expended: *Provided further*, That the
3 Secretary of Commerce is authorized to retain and use as
4 offsetting collections all funds transferred, or previously
5 transferred, from other Government agencies for all costs
6 incurred in telecommunications research, engineering, and
7 related activities by the Institute for Telecommunication
8 Sciences of NTIA, in furtherance of its assigned functions
9 under this paragraph, and such funds received from other
10 Government agencies shall remain available until ex-
11 pended.

12 PUBLIC TELECOMMUNICATIONS FACILITIES, PLANNING
13 AND CONSTRUCTION

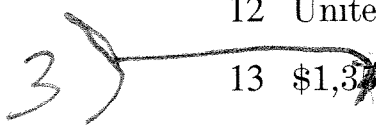
14 For the administration of grants authorized by sec-
15 tion 392 of the Communications Act of 1934,
16 \$21,769,000, to remain available until expended as au-
17 thorized by section 391 of the Act: *Provided*, That not to
18 exceed \$2,000,000 shall be available for program adminis-
19 tration as authorized by section 391 of the Act: *Provided*
20 *further*, That, notwithstanding the provisions of section
21 391 of the Act, the prior year unobligated balances may
22 be made available for grants for projects for which appli-
23 cations have been submitted and approved during any fis-
24 cal year.

1 INFORMATION INFRASTRUCTURE GRANTS

2 For the administration of prior year grants, recov-
3 eries and unobligated balances of funds previously appro-
4 priated for grants are available only for the administration
5 of all open grants until their expiration.

6 UNITED STATES PATENT AND TRADEMARK OFFICE

7 SALARIES AND EXPENSES

8 For necessary expenses of the United States Patent
9 and Trademark Office provided for by law, including de-
10 fense of suits instituted against the Under Secretary of
11 Commerce for Intellectual Property and Director of the
12 United States Patent and Trademark Office,
13  \$1,356,000,000, to remain available until expended, which
14 shall be derived from offsetting collections assessed and
15 collected pursuant to 15 U.S.C. 1113 and 35 U.S.C. 41
16 and 376, and shall be retained and used for necessary ex-
17 penses: *Provided*, That the sum herein appropriated from
18 the general fund shall be reduced as such offsetting collec-
19 tions are received during fiscal year 2005, so as to result
20 in a fiscal year 2005 appropriation from the general fund
21 estimated at \$0: *Provided further*, That during fiscal year
22 2005, should the total amount of offsetting fee collections
23 be less than \$1,356,000,000, this amount shall be reduced
24 accordingly: *Provided further*, That not less than 526 full-
25 time equivalents, 530 positions and \$72,899,000 shall be

1 for the examination of trademark applications; and not
2 less than 5,057 full-time equivalents, 5,139 positions and
3 \$759,021,000 shall be for the examination and searching
4 of patent applications: *Provided further*, That not more
5 than 244 full-time equivalents, 251 positions and
6 \$31,906,000 shall be for the Office of the General Coun-
7 sel: *Provided further*, That of amounts made available
8 under this heading, \$20,000,000 shall only be available
9 for initiatives to protect United States intellectual prop-
10 erty overseas: *Provided further*, That from amounts pro-
11 vided herein, not to exceed \$1,000 shall be made available
12 in fiscal year 2005 for official reception and representa-
13 tion expenses: *Provided further*, That notwithstanding sec-
14 tion 1353 of title 31, United States Code, no employee
15 of the United States Patent and Trademark Office may
16 accept payment or reimbursement from a non-Federal en-
17 tity for travel, subsistence, or related expenses for the pur-
18 pose of enabling an employee to attend and participate
19 in a convention, conference, or meeting when the entity
20 offering payment or reimbursement is a person or corpora-
21 tion subject to regulation by the Office, or represents a
22 person or corporation subject to regulation by the Office,
23 unless the person or corporation is an organization exempt
24 from taxation pursuant to section 501(c)(3) of the Inter-
25 nal Revenue Code of 1986.

1 In addition, fees authorized by title ~~VII~~ VIII of this Act
2 may be collected and credited to this account as offsetting
3 collections: *Provided*, That not to exceed \$218,754,000 de-
4 rived from such offsetting collections shall be available
5 until expended for authorized purposes: *Provided further*,
6 That not less than 58 full-time equivalents, 72 positions
7 and \$5,551,000 shall be for the examination of trademark
8 applications; and not less than 378 full-time equivalents,
9 709 positions and \$106,986,000 shall be for the examina-
10 tion and searching of patent applications: *Provided fur-*
11 *ther*, That not more than 20 full-time equivalents, 20 posi-
12 tions and \$4,955,000 shall be for the Office of the General
13 Counsel: *Provided further*, That the total amount appro-
14 priated from fees collected in fiscal year 2005, including
15 such increased fees, shall not exceed \$1,574,754,000: *Pro-*
16 *vided further*, That in fiscal year 2005, from the amounts
17 made available for "Salaries and Expenses" for the United
18 States Patent and Trademark Office (PTO), the amounts
19 necessary to pay (1) the difference between the percentage
20 of basic pay contributed by the PTO and employees under
21 section 8334(a) of title 5, United States Code, and the
22 normal cost percentage (as defined by section 8331(17)
23 of that title) of basic pay, of employees subject to sub-
24 chapter III of chapter 83 of that title; and (2) the present
25 value of the otherwise unfunded accruing costs, as deter-

1 mined by the Office of Personnel Management, of post-
2 retirement life insurance and post-retirement health bene-
3 fits coverage for all PTO employees, shall be transferred
4 to the Civil Service Retirement and Disability Fund, the
5 Employees Life Insurance Fund, and the Employees
6 Health Benefits Fund, as appropriate, and shall be avail-
7 able for the authorized purposes of those accounts.

8 SCIENCE AND TECHNOLOGY

9 TECHNOLOGY ADMINISTRATION

10 SALARIES AND EXPENSES

11 For necessary expenses for the Under Secretary for
12 Technology Office of Technology Policy, \$6,547,000: *Pro-*
13 *vided*, That section 8(a) of the Technology Administration
14 Act of 1998 (15 U.S.C. 1511e(a)) is amended by deleting
15 “Technology Administration of” after “within the”: *Pro-*
16 *vided further*, That \$200,000 is for the World Congress
17 on Information Technology.

18 NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY

19 SCIENTIFIC AND TECHNICAL RESEARCH AND SERVICES

20 For necessary expenses of the National Institute of
21 Standards and Technology, \$383,892,000, to remain
22 available until expended, of which not to exceed
23 \$2,900,000 may be transferred to the “Working Capital
24 Fund”.

1 INDUSTRIAL TECHNOLOGY SERVICES

2 For necessary expenses of the Manufacturing Exten-
3 sion Partnership of the National Institute of Standards
4 and Technology, \$109,000,000, to remain available until
5 expended: *Provided*, That the Secretary of Commerce shall
6 not recompute any existing Manufacturing Extension
7 Partnership Center prior to 2007: *Provided further*, That
8 hereafter the Manufacturing Extension Partnership Pro-
9 gram authorized under 15 U.S.C. 278k shall be renamed
10 the Hollings Manufacturing Partnership Program and the centers
11 established and receiving funding under 15 U.S.C. 278k
12 paragraph (a) shall be named the Hollings Manufacturing
13 Extension Centers.

14 In addition, for necessary expenses of the Advanced
15 Technology Program of the National Institute of Stand-
16 ards and Technology, \$142,300,000, to remain available
17 until expended.

18 CONSTRUCTION OF RESEARCH FACILITIES

19 For construction of new research facilities, including
20 architectural and engineering design, and for renovation
21 and maintenance of existing facilities, not otherwise pro-
22 vided for the National Institute of Standards and Tech-
23 nology, as authorized by 15 U.S.C. 278c-278e,
24 \$73,500,000, to remain available until expended.

1 NATIONAL OCEANIC AND ATMOSPHERIC
2 ADMINISTRATION
3 OPERATIONS, RESEARCH, AND FACILITIES
4 (INCLUDING TRANSFER OF FUNDS)

5 For necessary expenses of activities authorized by law
6 for the National Oceanic and Atmospheric Administration,
7 including maintenance, operation, and hire of aircraft and
8 vessels; grants, contracts, or other payments to nonprofit
9 organizations for the purposes of conducting activities
10 pursuant to cooperative agreements; and relocation of fa-
11 cilities, \$2,804,065,000, to remain available until Sep-
12 tember 30, 2006, except for funds provided for cooperative
13 enforcement which shall remain available until September
14 30, 2007: *Provided*, That fees and donations received by
15 the National Ocean Service for the management of na-
16 tional marine sanctuaries may be retained and used for
17 the salaries and expenses associated with those activities,
18 notwithstanding 31 U.S.C. 3302: *Provided further*, That
19 in addition, \$3,000,000 shall be derived by transfer from
20 the fund entitled "Coastal Zone Management" and in ad-
21 dition \$65,000,000 shall be derived by transfer from the
22 fund entitled "Promote and Develop Fishery Products and
23 Research Pertaining to American Fisheries": *Provided*
24 *further*, That of the \$2,872,065,000 provided for in direct
25 obligations under this heading \$2,804,065,000 is appro-
26 priated from the General Fund: *Provided further*, That no

1 general administrative charge shall be applied against an
2 assigned activity included in this Act or the report accom-
3 panying this Act except for additional costs above the fis-
4 cal year 2004 level of \$2,600,000 for automating and
5 modernizing the NOAA grant processing systems up to
6 a total of \$5,000,000: *Provided further*, That the total
7 amount available for the National Oceanic and Atmos-
8 pheric Administration corporate services administrative
9 support costs shall not exceed \$171,530,000: *Provided fur-*
10 *ther*, That payments of funds made available under this
11 heading to the Department of Commerce Working Capital
12 Fund including Department of Commerce General Coun-
13 sel legal services shall not exceed \$39,500,000: *Provided*
14 *further*, That any deviation from the amounts designated
15 for specific activities in the report accompanying this Act
16 shall be subject to the procedures set forth in section 605
17 of this Act: *Provided further*, That grants to States pursu-
18 ant to sections 306 and 306A of the Coastal Zone Man-
19 agement Act of 1972, as amended, shall not exceed
20 \$2,000,000, unless funds provided for “Coastal Zone
21 Management Grants” exceed funds provided in the pre-
22 vious fiscal year: *Provided further*, That if funds provided
23 for “Coastal Zone Management Grants” exceed funds pro-
24 vided in the previous fiscal year, then no State shall re-
25 ceive more than 5 percent or less than 1 percent of the

1 additional funds: *Provided further*, That none of the funds
2 under this heading are available to alter the existing struc-
3 ture, organization, function, and funding of the National
4 Marine Fisheries Service Southwest Region and Fisheries
5 Science Center and Northwest Region and Fisheries
6 Science Center: *Provided further*, That notwithstanding
7 any other provision of law, \$600,000 shall be available
8 only for the National Oceanic and Atmospheric Adminis-
9 tration Office of Space Commercialization: *Provided fur-*
10 *ther*, That the personnel management demonstration
11 project established at the National Oceanic and Atmos-
12 pheric Administration pursuant to 5 U.S.C. 4703 may be
13 expanded by 3,500 full-time positions to include up to
14 6,925 full-time positions and may be extended indefinitely:
15 *Provided further*, That the Administrator of the National
16 Oceanic and Atmospheric Administration may engage in
17 formal and informal education activities, including pri-
18 mary and secondary education, related to the agency's
19 mission goals.

20 In addition, for necessary retired pay expenses under
21 the Retired Serviceman's Family Protection and Survivor
22 Benefits Plan, and for payments for the medical care of
23 retired personnel and their dependents under the Depend-
24 ents Medical Care Act (10 U.S.C. ch. 55), such sums as
25 may be necessary.

1 PROCUREMENT, ACQUISITION AND CONSTRUCTION

2 For procurement, acquisition and construction of
3 capital assets, including alteration and modification costs,
4 of the National Oceanic and Atmospheric Administration,
5 \$1,053,436,000 to remain available until September 30,
6 2007, except funds provided for construction of facilities
7 which shall remain available until September 30, 2009,
8 and funds provided for the Honolulu Laboratory and the
9 Marine Environmental Health Research Laboratory which
10 shall remain available until expended: *Provided*, That of
11 the amounts provided for the National Polar-orbiting
12 Operational Environmental Satellite System, funds shall
13 only be made available on a dollar for dollar matching
14 basis with funds provided for the same purpose by the De-
15 partment of Defense: *Provided further*, That except to the
16 extent expressly prohibited by any other law, the Depart-
17 ment of Defense may delegate procurement functions re-
18 lated to the National Polar-orbiting Environmental Sat-
19 ellite System to officials of the Department of Commerce
20 pursuant to section 2311 of title 10, United States Code:
21 *Provided further*, That any deviation from the amounts
22 designated for specific activities in the report accom-
23 panying this Act shall be subject to the procedures set
24 forth in section 605 of this Act: *Provided further*, That
25 none of the funds provided in this Act or any other Act

Operational

1 under the heading "National Oceanic and Atmospheric
2 Administration, Procurement, Acquisition and Construc-
3 tion" shall be used to fund the General Services Adminis-
4 tration's standard construction and tenant build-out costs
5 of a facility at the Suitland Federal Center: *Provided fur-*
6 *ther*, That beginning in fiscal year 2006 and for each fiscal
7 year thereafter, the Secretary of Commerce shall include
8 in the budget justification materials that the Secretary
9 submits to Congress in support of the Department of
10 Commerce budget (as submitted with the budget of the
11 President under section 1105(a) of title 31, 10 United
12 States Code) an estimate for each National Oceanic and
13 Atmospheric Administration procurement, acquisition and
14 construction program having a total multiyear program
15 cost of more than \$5,000,000 and simultaneously the
16 budget justification materials shall include an estimate of
17 the budgetary requirements for each such program for
18 each of the five subsequent fiscal years.

19 PACIFIC COASTAL SALMON RECOVERY

20 For necessary expenses associated with the restora-
21 tion of Pacific salmon populations, \$90,000,000: *Provided*,
22 That section 628(2)(A) of the Departments of Commerce,
23 Justice, and State, the Judiciary, and Related Agencies
24 Appropriations Act, 2001 (16 U.S.C. 3645) is amended—

25 (1) by striking "2000, 2001, 2002, and 2003"
26 and inserting "2005", and

1 (2) by inserting “Idaho,” after “Oregon,”.

2 COASTAL ZONE MANAGEMENT FUND

3 Of amounts collected pursuant to section 308 of the
4 Coastal Zone Management Act of 1972 (16 U.S.C.
5 1456a), not to exceed \$3,000,000 shall be transferred to
6 the “Operations, Research, and Facilities” account to off-
7 set the costs of implementing such Act.

8 FISHERMEN’S CONTINGENCY FUND

9 For carrying out the provisions of title IV of Public
10 Law 95–372, not to exceed \$499,000, to be derived from
11 receipts collected pursuant to that Act, to remain available
12 until expended.

13 FISHERIES FINANCE PROGRAM ACCOUNT

14 For the costs of direct loans, \$287,000, as authorized
15 by the Merchant Marine Act of 1936: *Provided*, That such
16 costs, including the cost of modifying such loans, shall be
17 as defined in the Federal Credit Reform Act of 1990: *Pro-*
18 *vided further*, That these funds are only available to sub-
19 sidize gross obligations for the principal amount of direct
20 loans not to exceed \$5,000,000 for Individual Fishing
21 Quota loans, and not to exceed \$59,000,000 for traditional
22 direct loans, of which \$40,000,000 may be used for direct
23 loans to the United States distant water tuna fleet, and
24 of which \$19,000,000 may be used for direct loans to the
25 United States menhaden fishery: *Provided further*, That
26 none of the funds made available under this heading may

1 be used for direct loans for any new fishing vessel that
2 will increase the harvesting capacity in any United States
3 fishery.

4 
DEPARTMENTAL MANAGEMENT

5 SALARIES AND EXPENSES

6 For expenses necessary for the departmental manage-
7 ment of the Department of Commerce provided for by law,
8 including not to exceed \$5,000 for official entertainment,
9 \$48,109,000: *Provided*, That not to exceed 12 full-time
10 equivalents and \$1,621,000 shall be expended for the leg-
11 islative affairs function of the Department.

12 UNITED STATES TRAVEL AND TOURISM PROMOTION

13 For necessary expenses of the United States Travel
14 and Tourism Promotion Program, as authorized by sec-
15 tion 210 of Public Law 108-7, for programs promoting
16 travel to the United States including grants, contracts, co-
17 operative agreements and related costs, \$10,000,000, to
18 remain available until September 30, 2006.

19 OFFICE OF INSPECTOR GENERAL

20 For necessary expenses of the Office of Inspector
21 General in carrying out the provisions of the Inspector
22 General Act of 1978 (5 U.S.C. App.), \$21,660,000.

23 GENERAL PROVISIONS—DEPARTMENT OF COMMERCE

24 SEC. 201. During the current fiscal year, applicable
25 appropriations and funds made available to the Depart-
26 ment of Commerce by this Act shall be available for the

1 activities specified in the Act of October 26, 1949 (15
2 U.S.C. 1514), to the extent and in the manner prescribed
3 by the Act, and, notwithstanding 31 U.S.C. 3324, may
4 be used for advanced payments not otherwise authorized
5 only upon the certification of officials designated by the
6 Secretary of Commerce that such payments are in the
7 public interest.

8 SEC. 202. During the current fiscal year, appropria-
9 tions made available to the Department of Commerce by
10 this Act for salaries and expenses shall be available for
11 hire of passenger motor vehicles as authorized by 31
12 U.S.C. 1343 and 1344; services as authorized by 5 U.S.C.
13 3109; and uniforms or allowances therefore, as authorized
14 by law (5 U.S.C. 5901–5902).

15 SEC. 203. Not to exceed 5 percent of any appropria-
16 tion made available for the current fiscal year for the De-
17 partment of Commerce in this Act may be transferred be-
18 tween such appropriations, but no such appropriation shall
19 be increased by more than 10 percent by any such trans-
20 fers: *Provided*, That any transfer pursuant to this section
21 shall be treated as a reprogramming of funds under sec-
22 tion 605 of this Act and shall not be available for obliga-
23 tion or expenditure except in compliance with the proce-
24 dures set forth in that section: *Provided further*, That the
25 Secretary of Commerce shall notify the Committees on Ap-

1 propriations at least 15 days in advance of the acquisition
2 or disposal of any capital asset (including land, structures,
3 and equipment) not specifically provided for in this or any
4 other Departments of Commerce, Justice, and State, the
5 Judiciary, and Related Agencies Appropriations Act.

6 SEC. 204. Any costs incurred by a department or
7 agency funded under this title resulting from personnel
8 actions taken in response to funding reductions included
9 in this title or from actions taken for the care and protec-
10 tion of loan collateral or grant property shall be absorbed
11 within the total budgetary resources available to such de-
12 partment or agency: *Provided*, That the authority to trans-
13 fer funds between appropriations accounts as may be nec-
14 essary to carry out this section is provided in addition to
15 authorities included elsewhere in this Act: *Provided fur-*
16 *ther*, That use of funds to carry out this section shall be
17 treated as a reprogramming of funds under section 605
18 of this Act and shall not be available for obligation or ex-
19 penditure except in compliance with the procedures set
20 forth in that section.

21 SEC. 205. Hereafter, none of the funds made avail-
22 able by this or any other Act for the Department of Com-
23 merce shall be available to reimburse the Unemployment
24 Trust Fund or any other fund or account of the Treasury
25 to pay for any expenses authorized by section 8501 of title

1 5, United States Code, for services performed by individ-
2 uals appointed to temporary positions within the Bureau
3 of the Census for purposes relating to the decennial cen-
4 suses of population.

5 SEC. 206. Of the amount available from the fund en-
6 titled "Promote and Develop Fishery Products and Re-
7 search Pertaining to American Fisheries", \$10,000,000
8 shall be provided to the Alaska Fisheries Marketing
9 Board, \$1,000,000 shall be available for the "Wild Amer-
10 ican Shrimp Initiative", and \$1,000,000 shall be available
11 for the Gulf Oyster Industry Education Program: *Pro-*
12 *vided*, That (1) the Alaska Fisheries Marketing Board
13 (hereinafter "the Board") shall be a nonprofit organiza-
14 tion and not an agency or establishment of the United
15 States, (2) the Secretary may appoint, assign, or otherwise
16 designate as Executive Director an employee of the De-
17 partment of Commerce, who may serve in an official ca-
18 pacity in such position, with or without reimbursement,
19 and such appointment or assignment shall be without
20 interruption or loss of civil service status or privilege, and
21 (3) the Board may adopt bylaws consistent with the pur-
22 poses of this section, and may undertake other acts nec-
23 essary to carry out the provisions of this section.

24 SEC. 207. (a) Hereafter, the Secretary of Commerce
25 is authorized to operate a marine laboratory in South

1 Carolina in accordance with a memorandum of agreement,
2 including any future amendments, among the National
3 Oceanic and Atmospheric Administration, the National In-
4 stitute of Standards and Technology, the State of South
5 Carolina, the Medical University of South Carolina, and
6 the College of Charleston as a partnership for collabo-
7 rative, interdisciplinary marine scientific research.

8 (b) To carry out subsection (a), the agencies that are
9 partners in the Laboratory may accept, apply for, use, and
10 spend Federal, State, private and grant funds as nec-
11 essary to further the mission of the Laboratory without
12 regard to the source or of the period of availability of these
13 funds and may apply for and hold patents, as well as share
14 personnel, facilities, and property. Any funds collected or
15 accepted by any partner may be used to offset all or por-
16 tions of its costs, including overhead, without regard to
17 31 U.S.C. section 143302(b); to reimburse other partici-
18 pating agencies for all or portions of their costs; and to
19 fund research and facilities expansion. Funds for manage-
20 ment and operation of the Laboratory may be used to sus-
21 tain basic laboratory operations for all participating enti-
22 ties. The Secretary of Commerce is authorized to charge
23 fees and enter into contracts, grants, cooperative agree-
24 ments and other arrangements with Federal, State, pri-
25 vate entities, and other entities, domestic and foreign, to

1 further the mission of the Laboratory. Any funds collected
2 from such fees or arrangements shall be used to support
3 cooperative research, basic operations, and facilities en-
4 hancement at the Laboratory.

5 SEC. 208. Funds made available for salaries and ad-
6 ministrative expenses to administer the Emergency Steel
7 Loan Guarantee Program in section 211(b) of Public Law
8 108-199 shall remain available until expended.

9 SEC. 209. A fishing capacity reduction program for
10 the Southeast Alaska purse seine fishery is authorized to
11 be financed through a capacity reduction loan of
12 ^{50,000,000}~~\$20,000,000~~ pursuant to sections 1111 and 1112 of title
13 XI of the Merchant Marine Act of 1936 (46 U.S.C. App.
14 1279f and 1279g) subject to the conditions of this section.
15 In accordance with the Federal Credit Reform Act of
16 1990, 2 U.S.C. § 661 et seq., ~~\$200,000 is hereby appro-~~
17 ~~priated~~ for the cost of the loan authorized by this section.

18 The loan shall have a term of 30 years, except that the
19 amount to be repaid in any one year shall not exceed 2
20 percent of the total value of salmon landed in the fishery
21 and such repayment shall begin with salmon landed after
22 January 1, 2006.

23 SEC. 210. Section 653(a) of Public Law 106-58 is
24 amended by adding "(7) The Coordinator for Inter-

← INSERT
76A

INSERT 76A

\$500,000 is made available from funds appropriated for “Pacific Coastal Salmon Recovery” in this Act

1 national Intellectual Property Enforcement.” after
2 “Under Secretary of Commerce for International Trade.”.

3 SEC. 211. Notwithstanding any other provision of
4 law, of the amounts made available elsewhere in this title
5 to the “National Institute of Standards and Technology,
6 Construction of Research Facilities”, \$20,000,000 is for
7 a cooperative agreement with the Medical University of
8 South Carolina; \$10,000,000 is for the Cancer Research
9 Center in Hawaii; \$4,000,000 is for the Thayer School
10 of Engineering, of which \$1,000,000 is for a biomass en-
11 ergy research project, \$2,000,000 is for a smart laser
12 beam project, and \$1,000,000 is for research relating to
13 biomaterials; \$1,000,000 is for civic education programs
14 at the New Hampshire Institute of Politics; \$1,500,000
15 is for the Franklin Pierce Community Center; \$2,000,000
16 is for the Southern New Hampshire University School of
17 Community Economic Development; and \$5,000,000 is for
18 the Boston Museum of Science.

19 SEC. 212. Section 3(f) of Public Law 104–91 is
20 amended by striking “and 2005” and inserting “2005,
21 2006, and 2007”.

22 SEC. 213. Hereafter, notwithstanding any other Fed-
23 eral law related to the conservation and management of
24 marine mammals, the State of Hawaii may enforce any
25 State law or regulation with respect to the operation in

1 State waters of recreational and commercial vessels, for
2 the purpose of conservation and management of humpback
3 whales, to the extent that such law or regulation is no
4 less restrictive than Federal law.

5 SEC. 214. ESTABLISHMENT OF THE ERNEST F.
6 HOLLINGS SCHOLARSHIP PROGRAM. (a) ESTABLISH-
7 MENT.—The Administrator of the National Oceanic and
8 Atmospheric Administration shall establish and admin-
9 ister the Ernest F. Hollings Scholarship Program. Under
10 the program, the Administrator shall award scholarships
11 in oceanic and atmospheric science, research, technology,
12 and education to be known as Ernest F. Hollings Scholar-
13 ships.

14 (b) PURPOSES.—The purposes of the Ernest F. Hol-
15 lings Scholarships Program are—

16 (1) to increase undergraduate training in oce-
17 anic and atmospheric science, research, technology,
18 and education and foster multidisciplinary training
19 opportunities;

20 (2) to increase public understanding and sup-
21 port for stewardship of the ocean and atmosphere
22 and improve environmental literacy; and

23 (3) to recruit and prepare students for public
24 service careers with the National Oceanic and At-
25 mospheric Administration and other natural re-

1 source and science agencies at the Federal, State
2 and Local levels of government; and

3 (4) to recruit and prepare students for careers
4 as teachers and educators in oceanic and atmos-
5 pheric science and to improve scientific and environ-
6 mental education in the United States.

7 (c) AWARD.—Each Ernest F. Hollings Scholarship—

8 (1) shall be used to support undergraduate
9 studies in oceanic and atmospheric science, research,
10 technology, and education that support the purposes
11 of the programs and missions of the National Oce-
12 anic and Atmospheric Administration;

13 (2) shall recognize outstanding scholarship and
14 ability;

15 (3) shall promote participation by groups
16 underrepresented in oceanic and atmospheric science
17 and technology; and

18 (4) shall be awarded competitively in accord-
19 ance with guidelines issued by the Administrator and
20 published in the Federal Register.

21 (d) ELIGIBILITY.—In order to be eligible to partici-
22 pate in the program, an individual must—

23 (1) be enrolled or accepted for enrollment as a
24 full-time student at an institution of higher edu-
25 cation (as defined in section 101(a) of the Higher

1 Education Act of 1965) in an academic field or dis-
2 cipline described in subsection (c);

3 (2) be a United States citizen;

4 (3) not have received a scholarship under this
5 section for more than 4 academic years, unless the
6 Administrator grants a waiver; and

7 (4) submit an application at such time, in such man-
8 ner, and containing such information, agreements, or as-
9 surances as the Administrator may require.

10 (e) DISTRIBUTION OF FUNDS.—The amount of each
11 Ernest F. Hollings Scholarship shall be provided directly
12 to a recipient selected by the Administrator upon receipt
13 of certification that the recipient will adhere to a specific
14 and detailed plan of study and research approved by an
15 institution of higher education.

16 (f) FUNDING.—Of the total amount appropriated for
17 fiscal year 2005 and annually hereafter to the National
18 Oceanic and Atmospheric Administration, the Adminis-
19 trator shall make available for the Ernest F. Hollings
20 Scholarship program one-tenth of one percent of such ap-
21 propriations.

22 (g) SCHOLARSHIP REPAYMENT REQUIREMENT.—
23 The Administrator shall require an individual receiving a
24 scholarship under this section to repay the full amount
25 of the scholarship to the National Oceanic and Atmos-

1 pheric Administration if the Administrator determines
2 that the individual, in obtaining or using the scholarship,
3 engaged in fraudulent conduct or failed to comply with
4 any term or condition of the scholarship. Such repayments
5 shall be deposited in the NOAA Operations, Research, Fa-
6 cilities ~~and Systems Acquisition~~ Appropriations Account *and*
7 and treated as an offsetting collection and only be avail-
8 able for financing additional scholarships.

9 SEC. 215. Section 402(f) of Public Law 107-372 is
10 amended—

11 (1) in paragraph (1), by striking “All right”
12 and inserting “For the period ending April 3, 2008,
13 all right”; and

14 (2) in paragraph (3), by inserting “for the pe-
15 riod ending April 3, 2008” after “and annually
16 thereafter”.

17 SEC. 216. Of the amounts made available under this
18 heading for the National Oceanic and Atmospheric Admin-
19 istration, the Secretary of Commerce shall pay by March
20 1, 2005, \$5,000,000 to the National Marine Sanctuaries
21 Foundation to capitalize a fund for ocean activities.

22 SEC. 217. Any funding provided under this Title used
23 to implement the Department of Commerce’s E-Govern-
24 ment Initiatives shall be subject to the procedures set
25 forth in section 605 of this Act.

1 SEC. 218. A fishing capacity reduction program for
2 the Federal Gulf of Mexico Reef Fish Fishery Manage-
3 ment Plan principally intended for commercial long line
4 vessels is authorized to be financed through a capacity re-
5 duction loan of \$35,000,000 pursuant to sections 1111
6 and 1112 of title XI of the Merchant Marine Act of 1936
7 (46 U.S.C. App. 1279f and 1279g) subject to the condi-
8 tions of this section. In accordance with the Federal Credit
9 Reform Act of 1990 (2 U.S.C. SEC. 661 et seq.), \$350,000
10 is hereby appropriated for the subsidy cost of the loan au-
11 thorized under this section and shall remain available until
12 expended. The Secretary of Commerce, working in close
13 coordination with active fishery participants, is hereby au-
14 thorized to design and implement a comprehensive vol-
15 untary capacity reduction program using the loan author-
16 ized under this section. The Secretary shall set the loan
17 term at 35 years and repayment shall begin within one
18 year of final implementation of the program. In addition
19 to the authority of the Gulf of Mexico Regional Fishery
20 Management Council to develop and recommend conserva-
21 tion and management measures for the Gulf of Mexico
22 reef fish fishery, the Secretary of Commerce is authorized
23 to develop and implement a limited access program pursu-
24 ant to the standards set forth in Section 303(b)(6) of the

1 Magnuson-Stevens Fishery Conservation and Manage-
2 ment Act (16 U.S.C. 1853(b)(6)).

3 SEC. 219. (a) DEFINITIONS.—In this section:

4 (1) AFA TRAWL CATCHER PROCESSOR SUB-
5 SECTOR.—The term “AFA trawl catcher processor
6 subsector” means the owners of each catcher/proc-
7 essor listed in paragraphs (1) through (20) of sec-
8 tion 208(e) of the American Fisheries Act (16
9 U.S.C. 1851 note).

10 (2) BSAI.—The term “BSAI” has the meaning
11 given the term “Bering Sea and Aleutian Islands
12 Management Area” in section 679.2 of title 50,
13 Code of Federal Regulations (or successor regula-
14 tion).

15 (3) CATCHER PROCESSOR SUBSECTOR.—The
16 term “catcher processor subsector” means, as appro-
17 priate, one of the following:

18 (A) The longline catcher processor sub-
19 sector.

20 (B) The AFA trawl catcher processor sub-
21 sector.

22 (C) The non-AFA trawl catcher processor
23 subsector.

24 (D) The pot catcher processor subsector.

1 (4) COUNCIL.—The term “Council” means the
2 North Pacific Fishery Management Council estab-
3 lished in section 302(a)(1)(G) of the Magnuson-Ste-
4 vens Fishery Conservation and Management Act (16
5 U.S.C. 1852(a)(1)(G)).

6 (5) LLP LICENSE.—The term “LLP license”
7 means a Federal License Limitation program
8 groundfish license issued pursuant to section
9 679.4(k) of title 50, Code of Federal Regulations (or
10 successor regulation).

11 (6) LONGLINE CATCHER PROCESSOR SUB-
12 SECTOR.—The term “longline catcher processor sub-
13 sector” means the holders of an LLP license that is
14 noninterim and transferable, or that is interim and
15 subsequently becomes noninterim and transferable,
16 and that is endorsed for Bering Sea or Aleutian Is-
17 lands catcher processor fishing activity, C/P, Pcod,
18 and hook and line gear.

19 (7) NON-AFA TRAWL CATCHER PROCESSOR
20 SUBSECTOR.—The term “non-AFA trawl catcher
21 processor subsector” means the owner of each trawl
22 catcher processor—

23 (A) that is not an AFA trawl catcher proc-
24 essor;

1 (B) to whom a valid LLP license that is
2 endorsed for Bering Sea or Aleutian Islands
3 trawl catcher processor fishing activity has been
4 issued; and

5 (C) that the Secretary determines has har-
6 vested with trawl gear and processed not less
7 than a total of 150 metric tons of non-pollock
8 groundfish during the period January 1, ~~1998~~ 1997
9 through December 31, 2002.

10 (8) NON-POLLOCK GROUND FISH FISHERY.—
11 The term “non-pollock groundfish fishery” means
12 target species of Atka mackerel, flathead sole, Pa-
13 cific cod, Pacific Ocean perch, rock sole, turbot, or
14 yellowfin sole harvested in the BSAI.

15 (9) POT CATCHER PROCESSOR SUBSECTOR.—
16 The term “pot catcher processor subsector” means
17 the holders of an LLP license that is noninterim and
18 transferable, or that is interim and subsequently be-
19 comes noninterim and transferable, and that is en-
20 dored for Bering Sea or Aleutian Islands catcher
21 processor fishing activity, C/P, Pcod, and pot gear.

22 (10) SECRETARY.—Except as otherwise pro-
23 vided in this Act, the term “Secretary” means the
24 Secretary of Commerce.

1 (b) AUTHORITY FOR BSAI CATCHER PROCESSOR CA-
2 PACITY REDUCTION PROGRAM.—

3 (1) IN GENERAL.—A fishing capacity reduction
4 program for the non-pollock groundfish fishery in
5 the BSAI is authorized to be financed through a ca-
6 pacity reduction loan of not more than ~~\$50,000,000~~ 75,000,000
7 under sections 1111 and 1112 of the Merchant Ma-
8 rine Act, 1936 (46 U.S.C. App. 1279f and 1279g).

9 (2) RELATIONSHIP TO MERCHANT MARINE ACT,
10 1936.—The fishing capacity reduction program au-
11 thorized by paragraph (1) shall be a program for the
12 purposes of subsection (e) of section 1111 of the
13 Merchant Marine Act, 1936 (46 U.S.C. App. 1279f),
14 except, notwithstanding subsection (b)(4) of such
15 section, the capacity reduction loan authorized by
16 paragraph (1) may have a maturity not to exceed 30
17 years.

18 (c) AVAILABILITY OF CAPACITY REDUCTION FUNDS
19 TO CATCHER PROCESSOR SUBSECTORS.—

20 (1) IN GENERAL.—The Secretary shall make
21 available the amounts of the capacity reduction loan
22 authorized by subsection (b)(1) to each catcher proc-
23 essor subsector as described in this subsection.

24 (2) INITIAL AVAILABILITY OF FUNDS.—The
25 Secretary shall make available the amounts of the

1 capacity reduction loan authorized by subsection
2 (b)(1) as follows:

3 (A) Not more than ^{36,000,000}~~\$25,000,000~~ for the
4 longline catcher processor subsector.

5 (B) Not more than ^{6,000,000}~~\$4,000,000~~ for the
6 AFA trawl catcher processor subsector.

7 (C) Not more than ^{31,000,000}~~\$20,000,000~~ for the
8 non-AFA trawl catcher processor subsector.

9 (D) Not more than ^{2,000,000}~~\$1,000,000~~ for the pot
10 catcher processor subsector.

11 (3) OTHER AVAILABILITY OF FUNDS.—After
12 January 1, ²⁰⁰⁹~~2007~~, the Secretary may make available
13 for fishing capacity reduction to one or more of the
14 catcher processor subsectors any amounts of the ca-
15 pacity reduction loan authorized by subsection (b)(1)
16 that have not been expended by that date.

17 (d) BINDING REDUCTION CONTRACTS.—

18 (1) REQUIREMENT FOR CONTRACTS.—The Sec-
19 retary may not provide funds to a person under the
20 fishing capacity reduction program authorized by
21 subsection (b) if such person does not enter into a
22 binding reduction contract between the United
23 States and such person, the performance of which
24 may only be subject to the approval of an appro-
25 priate capacity reduction plan under subsection (e).

1 (2) REQUIREMENT TO REVOKE LICENSES.—The
2 Secretary shall revoke all Federal fishery licenses,
3 fishery permits, and area and species endorsements
4 issued for a vessel, or any vessel named on an LLP
5 license purchased through the fishing capacity re-
6 duction program authorized by subsection (b).

7 (e) DEVELOPMENT, APPROVAL, AND NOTIFICATION
8 OF CAPACITY REDUCTION PLANS.—

9 (1) DEVELOPMENT.—Each catcher processor
10 subsector may, after notice to the Council, submit to
11 the Secretary a capacity reduction plan for the ap-
12 propriate subsector to promote sustainable fisheries
13 management through the removal of excess har-
14 vesting capacity from the non-pollock groundfish
15 fishery.

16 (2) APPROVAL BY THE SECRETARY.—The Sec-
17 retary is authorized to approve a capacity reduction
18 plan submitted under paragraph (1) if such plan—

19 (A) is consistent with the requirements of
20 section 312(b) of the Magnuson-Stevens Fish-
21 ery Conservation and Management Act (16
22 U.S.C. 1861a(b)) except—

23 (i) the requirement that a Council or
24 Governor of a State request such a pro-

1 gram set out in paragraph (1) of such sub-
2 section; and

3 (ii) the requirements of paragraph (4)
4 of such subsection;

5 (B) contains provisions for a fee system
6 that provides for full and timely repayment of
7 the capacity reduction loan by a catcher proc-
8 essor subsector and that may provide for the
9 assessment of such fees based on methods other
10 than ex-vessel value of fish harvested;

11 (C) does not require a bidding or auction
12 process;

13 (D) will result in the maximum sustained
14 reduction in fishing capacity at the least cost
15 and in the minimum amount of time; and

16 (E) permits vessels in the catcher proc-
17 essor subsector to be upgraded to achieve effi-
18 ciencies in fishing operations provided that such
19 upgrades do not result in the vessel exceeding
20 the applicable length, tonnage, or horsepower
21 limitations set out in Federal law or regulation.

22 (3) APPROVAL BY REFERENDUM.—

23 (A) IN GENERAL.—Following approval by
24 the Secretary under paragraph (2), the Sec-
25 retary shall conduct a referendum for approval

1 of a capacity reduction plan for the appropriate
2 catcher processor subsector. The capacity re-
3 duction plan and fee system shall be approved
4 if the referendum votes which are cast in favor
5 of the proposed system by the appropriate
6 catcher processor subsector are—

7 (i) 100 percent of the members of the
8 AFA trawl catcher processor subsector; or
9 (ii) not less than $\frac{2}{3}$ of the members
10 of—

11 (I) the longline catcher processor
12 subsector;

13 (II) the non-AFA trawl catcher
14 processor subsector; or

15 (III) the pot catcher processor
16 subsector.

17 (B) NOTIFICATION PRIOR TO REF-
18 ERENDUM.—Prior to conducting a referendum
19 under subparagraph (A) for a capacity reduc-
20 tion plan, the Secretary shall—

21 (i) identify, to the extent practicable,
22 and notify the catcher processor subsector
23 that will be affected by such plan; and

24 (ii) make available to such subsector
25 information about any industry fee system

1 contained in such plan, a description of the
2 schedule, procedures, and eligibility re-
3 quirements for the referendum, the pro-
4 posed program, the estimated capacity re-
5 duction, the amount and duration, and any
6 other terms and conditions of the fee sys-
7 tem proposed in such plan.

8 (4) IMPLEMENTATION.—

9 (A) NOTICE OF IMPLEMENTATION.—Not
10 later than 90 days after a capacity reduction
11 plan is approved by a referendum under para-
12 graph (3), the Secretary shall publish a notice
13 in the Federal Register that includes the exact
14 terms and conditions under which the Secretary
15 shall implement the fishing capacity reduction
16 program authorized by subsection (b).

17 (B) INAPPLICABILITY OF IMPLEMENTA-
18 TION PROVISION OF MAGNUSON.—Section
19 312(e) of the Magnuson-Stevens Fishery Con-
20 servation and Management Act (16 U.S.C.
21 1861a(e)) shall not apply to a capacity reduc-
22 tion plan approved under this subsection.

23 (5) AUTHORITY TO COLLECT FEES.—The Sec-
24 retary is authorized to collect fees to fund a fishing
25 capacity reduction program and to repay debt obli-

1 gations incurred pursuant to a plan approved under
2 paragraph (3)(A).

3 (f) ACTION BY OTHER ENTITIES.—Upon the request
4 of the Secretary, the Secretary of the Department in
5 which the National Vessel Documentation Center operates
6 or the Secretary of the Department in which the Maritime
7 Administration operates, as appropriate, shall, with re-
8 spect to any vessel or any vessel named on an LLP license
9 purchased through the fishing capacity reduction program
10 authorized by subsection (b)—

11 (1)(A) permanently revoke any fishery endorse-
12 ment issued to the vessel under section 12108 of
13 title 46, United States Code;

14 (B) refuse to grant the approval required under
15 section 9(c)(2) of the Shipping Act, 1916 (46 U.S.C.
16 App. 808(c)(2)) for the placement of the vessel
17 under foreign registry or the operation of the vessel
18 under the authority of a foreign country; and

19 (C) require that the vessel operate under
20 United States flag and remain under Federal docu-
21 mentation; or

22 (2) require that the vessel be scrapped as a re-
23 duction vessel under section 600.1011(c) of title 50,
24 Code of Federal Regulations.

25 (g) NON-POLLOCK GROUND FISH FISHERY.—

1 (1) PARTICIPATION IN THE FISHERY.—Only a
2 member of a catcher processor subsector may par-
3 ticipate in—

4 (A) the catcher processor sector of the
5 BSAI non-pollock groundfish fishery; or

6 (B) the fishing capacity reduction program
7 authorized by subsection (b).

8 (2) PLANS FOR THE FISHERY.—It is the sense
9 of Congress that—

10 (A) the Council should continue on its path
11 toward rationalization of the BSAI non-pollock
12 groundfish fisheries, complete its ongoing work
13 with respect to developing management plans
14 for the BSAI non-pollock groundfish fisheries in
15 a timely manner, and take actions that promote
16 stability of these fisheries consistent with the
17 goals of this section and the purposes and poli-
18 cies of the Magnuson-Stevens Fishery Con-
19 servation and Management Act; and

20 (B) such plans should not penalize mem-
21 bers of any catcher processor subsector for
22 achieving capacity reduction under this Act or
23 any other provision of law.

24 (h) REPORTS.—

1 (1) REQUIREMENT.—The Secretary shall sub-
2 mit to the Committee on Commerce, Science, and
3 Transportation of the Senate and the Committee on
4 Resources of the House of Representatives 5 reports
5 on the fishing capacity reduction program author-
6 ized by subsection (b).

7 (2) CONTENT.—Each report shall contain the
8 following:

9 (A) A description of the fishing capacity
10 reduction program carried out under the au-
11 thority in subsection (b).

12 (B) An evaluation of the cost and cost-ef-
13 fectiveness of such program.

14 (C) An evaluation of the effectiveness of
15 such program in achieving the objective set out
16 in section 312(b) of the Magnuson-Stevens
17 Fishery Conservation and Management Act (16
18 U.S.C. 1861a(b)).

19 (3) SCHEDULE.—

20 (A) INITIAL REPORT.—The Secretary shall
21 submit the first report under paragraph (1) not
22 later than 90 days after the date that the first
23 referendum referred to in subsection (e)(3) is
24 held.

1 (B) SUBSEQUENT REPORTS.—During each
2 of the 4 years after the year in which the report
3 is submitted under subparagraph (A), the Sec-
4 retary shall submit to Congress an annual re-
5 port as described in this subsection.

6 (i) CONFORMING AMENDMENT.—Section 214 of the
7 Department of Commerce and Related Agencies Appro-
8 priations Act, 2004 (title II of division B of Public Law
9 108–199; 118 Stat. 75) is amended by striking
10 “that—” and all that follows, and inserting “under the
11 capacity reduction program authorized in section ✓ of (219
12 the Departments of Commerce, Justice, and State, the Ju-
13 diciary, and Related Agencies Appropriations Act, 2005.”.

14 SEC. 220. None of the funds appropriated in this Act
15 or any other Act may be used to disqualify any community
16 which was a participant in the Bering Sea Community De-
17 velopment Quota program on January 1, 2004, from con-
18 tinuing to receive quota allocations under that program.

19 → This title may be cited as the “Department of Com-
20 merce and Related Agencies Appropriations Act, 2005”.

21 TITLE III—THE JUDICIARY

22 SUPREME COURT OF THE UNITED STATES

23 SALARIES AND EXPENSES

24 For expenses necessary for the operation of the Su-
25 preme Court, as required by law, excluding care of the

INSERT
95A

INSERT 95A

1 SEC. 221. In addition to amounts made available
2 under section 214 of the Department of Commerce and
3 Related Agencies Appropriations Act, 2004 (title II of di-
4 vision B of Public Law 108-199; 118 Stat. 75), of the
5 funding provided under the heading "NATIONAL OCEANIC
6 AND ATMOSPHERIC ADMINISTRATION", ~~under the heading~~
7 ~~"OPERATIONS, RESEARCH, AND FACILITIES"~~, \$250,000, to
8 remain available until expended, for the Federal Credit
9 Reform Act cost of a reduction loan under sections 1111
10 and 1112 of the Merchant Marine Act, 1936 (46 U.S.C.
11 App. 1279f and 1279g), not to exceed an additional
12 \$25,000,000 in principal, for the capacity reduction pro-
13 gram authorized in section ~~1279f~~.

in this
Act }

219

1 building and grounds, including purchase or hire, driving,
2 maintenance, and operation of an automobile for the Chief
3 Justice, not to exceed \$10,000 for the purpose of trans-
4 porting Associate Justices, and hire of passenger motor
5 vehicles as authorized by 31 U.S.C. 1343 and 1344; not
6 to exceed \$10,000 for official reception and representation
7 expenses; and for miscellaneous expenses, to be expended
8 as the Chief Justice may approve, \$58,122,000.

9 CARE OF THE BUILDING AND GROUNDS

10 For such expenditures as may be necessary to enable
11 the Architect of the Capitol to carry out the duties im-
12 posed upon the Architect by the Act approved May 7,
13 1934 (40 U.S.C. 13a-13b), \$9,979,000, which shall re-
14 main available until expended.

15 UNITED STATES COURT OF APPEALS FOR THE FEDERAL
16 CIRCUIT

17 SALARIES AND EXPENSES

18 For salaries of the chief judge, judges, and other offi-
19 cers and employees, and for necessary expenses of the
20 court, as authorized by law, \$21,780,000.

21 UNITED STATES COURT OF INTERNATIONAL TRADE

22 SALARIES AND EXPENSES

23 For salaries of the chief judge and eight judges, sala-
24 ries of the officers and employees of the court, services,
25 and necessary expenses of the court, as authorized by law,
26 \$14,888,000.

1 COURTS OF APPEALS, DISTRICT COURTS, AND OTHER
2 JUDICIAL SERVICES
3 SALARIES AND EXPENSES

4 For the salaries of circuit and district judges (includ-
5 ing judges of the territorial courts of the United States),
6 justices and judges retired from office or from regular ac-
7 tive service, judges of the United States Court of Federal
8 Claims, bankruptcy judges, magistrate judges, and all
9 other officers and employees of the Federal Judiciary not
10 otherwise specifically provided for, and necessary expenses
11 of the courts, as authorized by law, \$4,177,244,000 (in-
12 cluding the purchase of firearms and ammunition); of
13 which not to exceed \$27,817,000 shall remain available
14 until expended for space alteration projects and for fur-
15 niture and furnishings related to new space alteration and
16 construction projects; of which not to exceed \$2,800,000
17 shall be available for a national probation and pretrial
18 services training program; of which \$1,300,000 of the
19 funds provided for the Judiciary Information Technology
20 Fund will be for the Edwin L. Nelson Local Initiatives
21 Program, within which \$1,000,000 will be reserved for
22 local court grants.

23 In addition, for expenses of the United States Court
24 of Federal Claims associated with processing cases under
25 the National Childhood Vaccine Injury Act of 1986, not

1 to exceed \$3,298,000, to be appropriated from the Vaccine
2 Injury Compensation Trust Fund.

3 DEFENDER SERVICES

4 For the operation of Federal Defender organizations;
5 the compensation and reimbursement of expenses of attor-
6 neys appointed to represent persons under the Criminal
7 Justice Act of 1964; the compensation and reimbursement
8 of expenses of persons furnishing investigative, expert and
9 other services under the Criminal Justice Act of 1964 (18
10 U.S.C. 3006A(e)); the compensation (in accordance with
11 Criminal Justice Act maximums) and reimbursement of
12 expenses of attorneys appointed to assist the court in
13 criminal cases where the defendant has waived representa-
14 tion by counsel; the compensation and reimbursement of
15 travel expenses of guardians ad litem acting on behalf of
16 financially eligible minor or incompetent offenders in con-
17 nection with transfers from the United States to foreign
18 countries with which the United States has a treaty for
19 the execution of penal sentences; the compensation of at-
20 torneys appointed to represent jurors in civil actions for
21 the protection of their employment, as authorized by 28
22 U.S.C. 1875(d); and for necessary training and general
23 administrative expenses, \$676,385,000, to remain avail-
24 able until expended.

1 FEES OF JURORS AND COMMISSIONERS

2 For fees and expenses of jurors as authorized by 28
3 U.S.C. 1871 and 1876; compensation of jury commis-
4 sioners as authorized by 28 U.S.C. 1863; and compensa-
5 tion of commissioners appointed in condemnation cases
6 pursuant to rule 71A(h) of the Federal Rules of Civil Pro-
7 cedure (28 U.S.C. Appendix Rule 71A(h)), \$61,535,000,
8 to remain available until expended: *Provided*, That the
9 compensation of land commissioners shall not exceed the
10 daily equivalent of the highest rate payable under section
11 5332 of title 5, United States Code.

12 COURT SECURITY

13 For necessary expenses, not otherwise provided for,
14 incident to providing protective guard services for United
15 States courthouses and other facilities housing Federal
16 court operations, and the procurement, installation, and
17 maintenance of security equipment for United States
18 courthouses and other facilities housing Federal court op-
19 erations, including building ingress-egress control, inspec-
20 tion of mail and packages, directed security patrols, perim-
21 eter security, basic security services provided by the De-
22 partment of Homeland Security, and other similar activi-
23 ties as authorized by section 1010 of the Judicial Improve-
24 ment and Access to Justice Act (Public Law 100-702),
25 \$332,000,000, of which not to exceed \$10,000,000 shall
26 remain available until expended, to be expended directly

1 or transferred to the United States Marshals Service,
2 which shall be responsible for administering the Judicial
3 Facility Security Program consistent with standards or
4 guidelines agreed to by the Director of the Administrative
5 Office of the United States Courts and the Attorney Gen-
6 eral.

7 ADMINISTRATIVE OFFICE OF THE UNITED STATES
8 COURTS
9 SALARIES AND EXPENSES

10 For necessary expenses of the Administrative Office
11 of the United States Courts as authorized by law, includ-
12 ing travel as authorized by 31 U.S.C. 1345, hire of a pas-
13 senger motor vehicle as authorized by 31 U.S.C. 1343(b),
14 advertising and rent in the District of Columbia and else-
15 where, \$68,200,000, of which not to exceed \$8,500 is au-
16 thorized for official reception and representation expenses.

17 FEDERAL JUDICIAL CENTER
18 SALARIES AND EXPENSES

19 For necessary expenses of the Federal Judicial Cen-
20 ter, as authorized by Public Law 90-219, \$21,737,000;
21 of which \$1,800,000 shall remain available through Sep-
22 tember 30, 2006, to provide education and training to
23 Federal court personnel; and of which not to exceed
24 \$1,500 is authorized for official reception and representa-
25 tion expenses.

1 JUDICIAL RETIREMENT FUNDS

2 PAYMENT TO JUDICIARY TRUST FUNDS

3 For payment to the Judicial Officers' Retirement
4 Fund, as authorized by 28 U.S.C. 377(o), \$32,000,000;
5 to the Judicial Survivors' Annuities Fund, as authorized
6 by 28 U.S.C. 376(c), \$2,000,000; and to the United
7 States Court of Federal Claims Judges' Retirement Fund,
8 as authorized by 28 U.S.C. 178(l), \$2,700,000.

9 UNITED STATES SENTENCING COMMISSION

10 SALARIES AND EXPENSES

11 For the salaries and expenses necessary to carry out
12 the provisions of chapter 58 of title 28, United States
13 Code, \$13,304,000, of which not to exceed \$1,000 is au-
14 thorized for official reception and representation expenses.

15 GENERAL PROVISIONS—THE JUDICIARY

16 SEC. 301. Appropriations and authorizations made in
17 this title which are available for salaries and expenses shall
18 be available for services as authorized by 5 U.S.C. 3109.

19 SEC. 302. Not to exceed 5 percent of any appropria-
20 tion made available for the current fiscal year for the Judi-
21 ciary in this Act may be transferred between such appro-
22 priations, but no such appropriation, except "Courts of
23 Appeals, District Courts, and Other Judicial Services, De-
24 fender Services" and "Courts of Appeals, District Courts,
25 and Other Judicial Services, Fees of Jurors and Commis-

1 sioners”, shall be increased by more than 10 percent by
2 any such transfers: *Provided*, That any transfer pursuant
3 to this section shall be treated as a reprogramming of
4 funds under section 605 of this Act and shall not be avail-
5 able for obligation or expenditure except in compliance
6 with the procedures set forth in that section.

7 SEC. 303. Notwithstanding any other provision of
8 law, the salaries and expenses appropriation for Courts of
9 Appeals, District Courts, and Other Judicial Services shall
10 be available for official reception and representation ex-
11 penses of the Judicial Conference of the United States:
12 *Provided*, That such available funds shall not exceed
13 \$11,000 and shall be administered by the Director of the
14 Administrative Office of the United States Courts in the
15 capacity as Secretary of the Judicial Conference.

16 SEC. 304. (a) Section 3006A(d)(2) of title 18, United
17 States Code, is amended—

18 (1) by striking “5,200” and inserting “7,000”;

19 (2) by striking “1,500” and inserting “2,000”;

20 (3) by striking “3,700” and inserting “5,000”;

21 (4) by striking “1,200” each place it appears

22 and inserting “1,500”; and

23 (5) by striking “3,900” and inserting “5,000”.

24 (b) Section 3006A(e) of title 18, United States Code
25 is amended—

1 (1) in paragraph (2)—

2 (A) in subparagraph (A), by striking
3 “300” and inserting “500”; and

4 (B) in subparagraph (B), by striking
5 “300” and inserting “500”; and

6 (2) in paragraph (3) in the first sentence by
7 striking “1,000” and inserting “1,600”.

8 SEC. 305. Within 90 days of enactment of this Act,
9 ~~and subsequent Judiciary Appropriations Acts~~, the Ad-
10 ministrative Office of the U.S. Courts shall submit to the
11 Committees on Appropriations a comprehensive financial
12 plan for the Judiciary allocating all sources of available
13 funds including appropriations, fee collections, and carry-
14 over balances, to include a separate and detailed plan for
15 the Judiciary Information Technology fund.

16 SEC. 306. Pursuant to section 140 of Public Law 97–
17 92, and from funds appropriated in this Act, Justices and
18 judges of the United States are authorized during fiscal
19 year 2005, to receive a salary adjustment in accordance
20 with 28 U.S.C. 461.

21 SEC. 307. (a) Section 1914(a) of title 28, United
22 States Code, is amended by striking out “\$150” and in-
23 serting in lieu thereof “\$250”.

24 (b) Section 1931(a) of title 28, United States Code,
25 is amended—

1 (1) in subsection (a) by striking out “\$90” and
2 inserting in lieu thereof “\$190”; and

3 (2) in subsection (b)—

4 (A) by striking out “\$150” and inserting
5 in lieu thereof “\$250”; and

6 (B) by striking out “\$90” and inserting in
7 lieu thereof “\$190”.

8 (c) This section shall take effect 60 days after the
9 date of the enactment of this Act.

10 SEC. 308. For fiscal year 2005 and hereafter, such
11 fees as shall be collected for the processing of violations
12 through the Central Violations Bureau cases as prescribed
13 by the Judicial Conference of the United States shall be
14 deposited to the “Courts of Appeals, District Courts, and
15 Other Judicial Services, Salaries and Expenses” appro-
16 priation to be used for salaries and other expenses.

17 This title may be cited as the “Judiciary Appropria-
18 tions Act, 2005”.

19 TITLE IV—DEPARTMENT OF STATE AND
20 RELATED AGENCY

21 DEPARTMENT OF STATE

22 ADMINISTRATION OF FOREIGN AFFAIRS

23 DIPLOMATIC AND CONSULAR PROGRAMS

24 For necessary expenses of the Department of State
25 and the Foreign Service not otherwise provided for, includ-

1 ing employment, without regard to civil service and classi-
2 fication laws, of persons on a temporary basis (not to ex-
3 ceed \$700,000 of this appropriation), as authorized by
4 section 801 of the United States Information and Edu-
5 cational Exchange Act of 1948; representation to certain
6 international organizations in which the United States
7 participates pursuant to treaties ratified pursuant to the
8 advice and consent of the Senate or specific Acts of Con-
9 gress; arms control, nonproliferation and disarmament ac-
10 tivities as authorized; acquisition by exchange or purchase
11 of passenger motor vehicles as authorized by law; and for
12 expenses of general administration, \$3,570,000,000: *Pro-*
13 *vided*, That not to exceed 71 permanent positions shall
14 be for the Bureau of Legislative Affairs: *Provided further*,
15 That none of the funds made available under this heading
16 may be used to transfer any full-time equivalent employees
17 into or out of the Bureau of Legislative Affairs: *Provided*
18 *further*, That, of the amount made available under this
19 heading, not to exceed \$4,000,000 may be transferred to,
20 and merged with, funds in the “Emergencies in the Diplo-
21 matic and Consular Service” appropriations account, to
22 be available only for emergency evacuations and terrorism
23 rewards: *Provided further*, That, of the amount made
24 available under this heading, \$319,994,000 shall be avail-
25 able only for public diplomacy international information

1 programs: *Provided further*, That of the amount made
2 available under this heading, \$3,000,000 shall be available
3 only for the operations of the Office on Right-Sizing the
4 United States Government Overseas Presence: *Provided*
5 *further*, That funds available under this heading may be
6 available for a United States Government interagency task
7 force to examine, coordinate and oversee United States
8 participation in the United Nations headquarters renovation
9 project: *Provided further*, That no funds may be obli-
10 gated or expended for processing licenses for the export
11 of satellites of United States origin (including commercial
12 satellites and satellite components) to the People's Repub-
13 lic of China unless, at least 15 days in advance, the Com-
14 mittees on Appropriations of the House of Representatives
15 and the Senate are notified of such proposed action: *Pro-*
16 *vided further*, That of the amount made available under
17 this heading, \$185,128,000 is for Near Eastern Affairs,
18 \$80,234,000 is for South Asian Affairs, and \$251,706,000
19 is for African Affairs: *Provided further*, That, of the
20 amount made available under this heading, \$2,000,000
21 shall be available for a grant to conduct an international
22 conference on the human rights situation in North Korea:
23 *Provided further*, That of the amount made available
24 under this heading, \$200,000 is for a grant to the Center
25 for the Study of the Presidency and \$1,900,000 is for a

1 grant to Shared Hope International to Combat inter-
2 national sex tourism: *Provided further*, That the Intellec-
3 tual Property Division shall be elevated to office-level sta-
4 tus and shall be renamed the Office of International Intel-
5 lectual Property Enforcement within 60 days of enactment
6 of this Act.

7 In addition, not to exceed \$1,426,000 shall be derived
8 from fees collected from other executive agencies for lease
9 or use of facilities located at the International Center in
10 accordance with section 4 of the International Center Act;
11 in addition, as authorized by section 5 of such Act,
12 \$490,000, to be derived from the reserve authorized by
13 that section, to be used for the purposes set out in that
14 section; in addition, as authorized by section 810 of the
15 United States Information and Educational Exchange
16 Act, not to exceed \$6,000,000, to remain available until
17 expended, may be credited to this appropriation from fees
18 or other payments received from English teaching, library,
19 motion pictures, and publication programs and from fees
20 from educational advising and counseling and exchange
21 visitor programs; and, in addition, not to exceed \$15,000,
22 which shall be derived from reimbursements, surcharges,
23 and fees for use of Blair House facilities.

24 In addition, for the costs of worldwide security up-
25 grades, \$658,702,000, to remain available until expended:

1 *Provided*, That of the amounts made available under this
2 paragraph, \$5,000,000 is for the Center for Antiterrorism
3 and Security Training.

4 Beginning in fiscal year 2005 and thereafter, the Sec-
5 retary of State is authorized to charge surcharges related
6 to consular services in support of enhanced border security
7 that are in addition to the passport and immigrant visa
8 fees in effect on January 1, 2004: *Provided*, That funds
9 collected pursuant to this authority shall be credited to
10 this account, and shall be available until expended for the
11 purposes of such account: *Provided further*, That such sur-
12 charges shall be \$12 on passport fees, and \$45 on immi-
13 grant visa fees.

14 CAPITAL INVESTMENT FUND

15 For necessary expenses of the Capital Investment
16 Fund, \$52,149,000, to remain available until expended,
17 as authorized: *Provided*, That section 135(e) of Public
18 Law 103-236 shall not apply to funds available under this
19 heading.

20 CENTRALIZED INFORMATION TECHNOLOGY

21 MODERNIZATION PROGRAM

22 For expenses relating to the modernization of the in-
23 formation technology systems and networks of the Depart-
24 ment of State, \$77,851,000, to remain available until ex-
25 pended.

1 OFFICE OF INSPECTOR GENERAL

2 For necessary expenses of the Office of Inspector
3 General, \$30,435,000, notwithstanding section 209(a)(1)
4 of the Foreign Service Act of 1980 (Public Law 96-465),
5 as it relates to post inspections.

6 EDUCATIONAL AND CULTURAL EXCHANGE PROGRAMS

7 For expenses of educational and cultural exchange
8 programs, as authorized, \$360,750,000, to remain avail-
9 able until expended: *Provided*, That not to exceed
10 \$2,000,000, to remain available until expended, may be
11 credited to this appropriation from fees or other payments
12 received from or in connection with English teaching, edu-
13 cational advising and counseling programs, and exchange
14 visitor programs as authorized.

15 REPRESENTATION ALLOWANCES

16 For representation allowances as authorized,
17 \$8,640,000.

18 PROTECTION OF FOREIGN MISSIONS AND OFFICIALS

19 For expenses, not otherwise provided, to enable the
20 Secretary of State to provide for extraordinary protective
21 services, as authorized, \$9,894,000, to remain available
22 until September 30, 2006.

23 EMBASSY SECURITY, CONSTRUCTION, AND MAINTENANCE

24 For necessary expenses for carrying out the Foreign
25 Service Buildings Act of 1926 (22 U.S.C. 292-303), pre-
26 serving, maintaining, repairing, and planning for buildings

1 that are owned or directly leased by the Department of
2 State, renovating, in addition to funds otherwise available,
3 the Harry S Truman Building, and carrying out the Dip-
4 lomatic Security Construction Program as authorized,
5 \$611,680,000, to remain available until expended as au-
6 thorized, of which not to exceed \$25,000 may be used for
7 domestic and overseas representation as authorized: *Pro-*
8 *vided*, That none of the funds appropriated in this para-
9 graph shall be available for acquisition of furniture, fur-
10 nishings, or generators for other departments and agen-
11 cies: *Provided further*, That the United States Embassy
12 Annex building in Rome, Italy, previously known as the
13 “INA Building”, shall hereafter be known and designated
14 as the “Mel Sembler Building”.

15 In addition, for the costs of worldwide security up-
16 grades, acquisition, and construction as authorized,
17 \$912,320,000, to remain available until expended: *Pro-*
18 *vided*, That funds appropriated to this account in Public
19 Law 108–287 may also be used for non-interim facilities
20 for the United States Mission in Iraq, including associated
21 planning, site preparation and pre-construction activities.

22 EMERGENCIES IN THE DIPLOMATIC AND CONSULAR
23 SERVICE

24 For expenses necessary to enable the Secretary of
25 State to meet unforeseen emergencies arising in the Diplo-
26 matic and Consular Service, \$1,000,000, to remain avail-

1 able until expended as authorized, of which such sums as
2 necessary may be transferred to and merged with the Re-
3 patriation Loans Program Account, subject to the same
4 terms and conditions: *Provided*, That funds previously ap-
5 propriated under this heading for rewards for an indictee
6 of the Special Court for Sierra Leone shall be transferred
7 to the Special Court for Sierra Leone within 15 days of
8 enactment of this Act: *Provided further*, That any transfer
9 of funds provided under this heading shall be treated as
10 a reprogramming of funds under section 605 of this Act.

11 REPATRIATION LOANS PROGRAM ACCOUNT

12 For the cost of direct loans, \$612,000, as authorized:
13 *Provided*, That such costs, including the cost of modifying
14 such loans, shall be as defined in section 502 of the Con-
15 gressional Budget Act of 1974. In addition, for adminis-
16 trative expenses necessary to carry out the direct loan pro-
17 gram, \$607,000, which may be transferred to and merged
18 with the Diplomatic and Consular Programs account
19 under Administration of Foreign Affairs.

20 PAYMENT TO THE AMERICAN INSTITUTE IN TAIWAN

21 For necessary expenses to carry out the Taiwan Rela-
22 tions Act (Public Law 96-8), \$19,482,000.

23 PAYMENT TO THE FOREIGN SERVICE RETIREMENT AND

24 DISABILITY FUND

25 For payment to the Foreign Service Retirement and
26 Disability Fund, as authorized by law, \$132,600,000.

1 INTERNATIONAL ORGANIZATIONS

2 CONTRIBUTIONS TO INTERNATIONAL ORGANIZATIONS

3 For expenses, not otherwise provided for, necessary
4 to meet annual obligations of membership in international
5 multilateral organizations, pursuant to treaties ratified
6 pursuant to the advice and consent of the Senate, conven-
7 tions or specific Acts of Congress, \$1,182,000,000, of
8 which up to \$6,000,000, to remain available until ex-
9 pended, may be used for the cost of a direct loan to the
10 United Nations for the cost of renovating its headquarters
11 in New York: *Provided*, That such costs, including the cost
12 of modifying such loan, shall be as defined in section 502
13 of the Congressional Budget Act of 1974: *Provided fur-*
14 *ther*, That these funds are available to subsidize total loan
15 principal of up to \$1,200,000,000: *Provided further*, That
16 the Secretary of State shall, at the time of the submission
17 of the President's budget to Congress under section
18 1105(a) of title 31, United States Code, transmit to the
19 Committees on Appropriations of the Senate and of the
20 House of Representatives the most recent biennial budget
21 prepared by the United Nations for the operations of the
22 United Nations: *Provided further*, That the Secretary of
23 State shall notify the Committees on Appropriations at
24 least 15 days in advance (or in an emergency, as far in
25 advance as is practicable) of any United Nations action

1 to increase funding for any United Nations program with-
2 out identifying an offsetting decrease elsewhere in the
3 United Nations budget and cause the United Nations to
4 exceed the adopted budget for the biennium 2004–2005
5 of \$3,160,860,000: *Provided further*, That any payment
6 of arrearages under this title shall be directed toward spe-
7 cial activities that are mutually agreed upon by the United
8 States and the respective international organization: *Pro-*
9 *vided further*, That none of the funds appropriated in this
10 paragraph shall be available for a United States contribu-
11 tion to an international organization for the United States
12 share of interest costs made known to the United States
13 Government by such organization for loans incurred on
14 or after October 1, 1984, through external borrowings, ex-
15 cept that such restriction shall not apply to loans to the
16 United Nations for renovation of its headquarters.

17 CONTRIBUTIONS FOR INTERNATIONAL PEACEKEEPING
18 ACTIVITIES

19 For necessary expenses to pay assessed and other ex-
20 penses of international peacekeeping activities directed to
21 the maintenance or restoration of international peace and
22 security, \$490,000,000: *Provided*, That none of the funds
23 made available under this Act shall be obligated or ex-
24 pended for any new or expanded United Nations peace-
25 keeping mission unless, at least 15 days in advance of vot-
26 ing for the new or expanded mission in the United Nations

1 Security Council (or in an emergency as far in advance
2 as is practicable): (1) the Committees on Appropriations
3 of the House of Representatives and the Senate and other
4 appropriate committees of the Congress are notified of the
5 estimated cost and length of the mission, the vital national
6 interest that will be served, and the planned exit strategy;
7 and (2) a reprogramming of funds pursuant to section 605
8 of this Act is submitted, and the procedures therein fol-
9 lowed, setting forth the source of funds that will be used
10 to pay for the cost of the new or expanded mission: *Pro-*
11 *vided further*, That funds shall be available for peace-
12 keeping expenses only upon a certification by the Sec-
13 retary of State to the appropriate committees of the Con-
14 gress that American manufacturers and suppliers are
15 being given opportunities to provide equipment, services,
16 and material for United Nations peacekeeping activities
17 equal to those being given to foreign manufacturers and
18 suppliers: *Provided further*, That none of the funds made
19 available under this heading are available to pay the
20 United States share of the cost of court monitoring that
21 is part of any United Nations peacekeeping mission.

22 INTERNATIONAL COMMISSIONS

23 For necessary expenses, not otherwise provided for,
24 to meet obligations of the United States arising under
25 treaties, or specific Acts of Congress, as follows:

1 INTERNATIONAL BOUNDARY AND WATER COMMISSION,
2 UNITED STATES AND MEXICO

3 For necessary expenses for the United States Section
4 of the International Boundary and Water Commission,
5 United States and Mexico, and to comply with laws appli-
6 cable to the United States Section, including not to exceed
7 \$6,000 for representation; as follows:

8 SALARIES AND EXPENSES

9 For salaries and expenses, not otherwise provided for,
10 \$27,244,000.

11 CONSTRUCTION

12 For detailed plan preparation and construction of au-
13 ~~thorized projects, \$4,475,000,~~ to remain available until ex-
14 pended, as authorized.

15 AMERICAN SECTIONS, INTERNATIONAL COMMISSIONS

16 For necessary expenses, not otherwise provided, for
17 the International Joint Commission and the International
18 Boundary Commission, United States and Canada, as au-
19 thorized by treaties between the United States and Can-
20 ada or Great Britain, and for the Border Environment
21 Cooperation Commission as authorized by Public Law
22 103-182, ~~\$9,356,000,~~ of which not to exceed \$9,000 shall
23 be available for representation expenses incurred by the
24 International Joint Commission.

\$5,310,000)

\$9,594,000)

1 INTERNATIONAL FISHERIES COMMISSIONS

2 For necessary expenses for international fisheries
3 commissions, not otherwise provided for, as authorized by
4 law, \$21,982,000: *Provided*, That the United States' share
5 of such expenses may be advanced to the respective com-
6 missions pursuant to 31 U.S.C. 3324.

7 OTHER

8 PAYMENT TO THE ASIA FOUNDATION

9 For a grant to the Asia Foundation, as authorized
10 by the Asia Foundation Act (22 U.S.C. 4402),
11 \$13,000,000, to remain available until expended, as au-
12 thorized.

13 CENTER FOR MIDDLE EASTERN-WESTERN DIALOGUE

14 For a grant to the Center for Middle Eastern-West-
15 ern Dialogue Trust Fund, \$6,750,000, for operation of the
16 Center for Middle Eastern-Western Dialogue in Istanbul,
17 Turkey, to remain available until expended.

18 In addition, for the operations of the Steering Com-
19 mittee of the Center for Middle Eastern-Western Dia-
20 logue, \$250,000, to remain available until expended.

21 In addition, for necessary expenses of the Center for
22 Middle Eastern-Western Dialogue Trust Fund, the total
23 amount of the interest and earnings accruing to such
24 Fund before October 1, 2005, to remain available until
25 expended.

1 EISENHOWER EXCHANGE FELLOWSHIP PROGRAM

2 For necessary expenses of Eisenhower Exchange Fel-
3 lowships, Incorporated, as authorized by sections 4 and
4 5 of the Eisenhower Exchange Fellowship Act of 1990 (20
5 U.S.C. 5204–5205), all interest and earnings accruing to
6 the Eisenhower Exchange Fellowship Program Trust
7 Fund on or before September 30, 2005, to remain avail-
8 able until expended: *Provided*, That none of the funds ap-
9 propriated herein shall be used to pay any salary or other
10 compensation, or to enter into any contract providing for
11 the payment thereof, in excess of the rate authorized by
12 5 U.S.C. 5376; or for purposes which are not in accord-
13 ance with OMB Circulars A–110 (Uniform Administrative
14 Requirements) and A–122 (Cost Principles for Non-profit
15 Organizations), including the restrictions on compensation
16 for personal services.

17 ISRAELI ARAB SCHOLARSHIP PROGRAM

18 For necessary expenses of the Israeli Arab Scholar-
19 ship Program as authorized by section 214 of the Foreign
20 Relations Authorization Act, Fiscal Years 1992 and 1993
21 (22 U.S.C. 2452), all interest and earnings accruing to
22 the Israeli Arab Scholarship Fund on or before September
23 30, 2005, to remain available until expended.

24 EAST-WEST CENTER

25 To enable the Secretary of State to provide for car-
26 rying out the provisions of the Center for Cultural and

1 Technical Interchange Between East and West Act of
2 1960, by grant to the Center for Cultural and Technical
3 Interchange Between East and West in the State of Ha-
4 waii, \$19,500,000: *Provided*, That none of the funds ap-
5 propriated herein shall be used to pay any salary, or enter
6 into any contract providing for the payment thereof, in
7 excess of the rate authorized by 5 U.S.C. 5376.

8 NATIONAL ENDOWMENT FOR DEMOCRACY

9 For grants made by the Department of State to the
10 National Endowment for Democracy as authorized by the
11 *\$60,000,000* National Endowment for Democracy Act, ~~\$48,500,000~~ to
12 remain available until expended.

13 RELATED AGENCY

14 BROADCASTING BOARD OF GOVERNORS

15 INTERNATIONAL BROADCASTING OPERATIONS

16 For expenses necessary to enable the Broadcasting
17 Board of Governors, as authorized, to carry out inter-
18 national communication activities, including the purchase,
19 installation, rent, and improvement of facilities for radio
20 and television transmission and reception to Cuba, and to
21 make and supervise grants for radio and television broad-
22 casting to the Middle East, \$591,000,000, of which
23 \$27,629,000 is for Broadcasting to Cuba: *Provided*, That
24 of the total amount in this heading, not to exceed \$16,000
25 may be used for official receptions within the United
26 States as authorized, not to exceed \$35,000 may be used

1 for representation abroad as authorized, and not to exceed
2 \$39,000 may be used for official reception and representa-
3 tion expenses of Radio Free Europe/Radio Liberty; and
4 in addition, notwithstanding any other provision of law,
5 not to exceed \$2,000,000 in receipts from advertising and
6 revenue from business ventures, not to exceed \$500,000
7 in receipts from cooperating international organizations,
8 and not to exceed \$1,000,000 in receipts from privatiza-
9 tion efforts of the Voice of America and the International
10 Broadcasting Bureau, to remain available until expended
11 for carrying out authorized purposes.

12 BROADCASTING CAPITAL IMPROVEMENTS

13 For the purchase, rent, construction, and improve-
14 ment of facilities for radio transmission and reception, and
15 purchase and installation of necessary equipment for radio
16 and television transmission and reception as authorized,
17 \$8,560,000, to remain available until expended, as author-
18 ized.

19 GENERAL PROVISIONS—DEPARTMENT OF STATE AND
20 RELATED AGENCY

21 SEC. 401. Funds appropriated under this title shall
22 be available, except as otherwise provided, for allowances
23 and differentials as authorized by subchapter 59 of title
24 5, United States Code; for services as authorized by 5
25 U.S.C. 3109; and for hire of passenger transportation pur-
26 suant to 31 U.S.C. 1343(b).

1 SEC. 402. Not to exceed 5 percent of any appropria-
2 tion made available for the current fiscal year for the De-
3 partment of State in this Act may be transferred between
4 such appropriations, but no such appropriation, except as
5 otherwise specifically provided, shall be increased by more
6 than 10 percent by any such transfers: *Provided*, That not
7 to exceed 5 percent of any appropriation made available
8 for the current fiscal year for the Broadcasting Board of
9 Governors in this Act may be transferred between such
10 appropriations, but no such appropriation, except as oth-
11 erwise specifically provided, shall be increased by more
12 than 10 percent by any such transfers: *Provided further*,
13 That any transfer pursuant to this section shall be treated
14 as a reprogramming of funds under section 605 of this
15 Act and shall not be available for obligation or expenditure
16 except in compliance with the procedures set forth in that
17 section.

18 SEC. 403. None of the funds made available in this
19 Act may be used by the Department of State or the Broad-
20 casting Board of Governors to provide equipment, tech-
21 nical support, consulting services, or any other form of
22 assistance to the Palestinian Broadcasting Corporation.

23 SEC. 404. (a) The Senior Policy Operating Group on
24 Trafficking in Persons, established under section 406 of
25 division B of Public Law 108-7 to coordinate agency ac-

1 activities regarding policies (including grants and grant poli-
2 cies) involving the international trafficking in persons,
3 shall coordinate all such policies related to the activities
4 of traffickers and victims of severe forms of trafficking.

5 (b) None of the funds provided in this or any other
6 Act shall be expended to perform functions that duplicate
7 coordinating responsibilities of the Operating Group.

8 (c) The Operating Group shall continue to report only
9 to the authorities that appointed them pursuant to section
10 406 of division B of Public Law 108-7.

11 SEC. 405. (a) Subsection (b) of section 36 of the
12 State Department Basic Authorities Act of 1956 (22
13 U.S.C. 2708) is amended—

14 (1) in paragraph (5) by striking “or” at the
15 end;

16 (2) in paragraph (6) by striking the period and
17 inserting “; or”; and

18 (3) by adding at the end the following new
19 paragraph:

20 “(7) the disruption of financial mechanisms of
21 a foreign terrorist organization, including the use by
22 the organization of illicit narcotics production or
23 international narcotics trafficking—

24 “(A) to finance acts of international ter-
25 rorism; or

1 “(B) to sustain or support any terrorist or-
2 ganization.”.

3 (b) Subsection (e)(1) of such section is amended—

4 (1) by striking “\$5,000,000” and inserting
5 “\$25,000,000”;

6 (2) by striking the second period at the end;
7 and

8 (3) by adding at the end the following new sen-
9 tence: “Without first making such determination,
10 the Secretary may authorize a reward of up to twice
11 the amount specified in this paragraph for the cap-
12 ture or information leading to the capture of a lead-
13 er of a foreign terrorist organization.”.

14 (c) Subsection (e) of such section is amended by add-
15 ing at the end the following new paragraph:

16 “(6) FORMS OF REWARD PAYMENT.—The Sec-
17 retary may make a reward under this section in the
18 form of money, a nonmonetary item (including such
19 items as automotive vehicles), or a combination
20 thereof.”.

21 (d) Such section is amended—

22 (1) by redesignating subsections (i) and (j) as
23 subsections (j) and (k), respectively; and

24 (2) by inserting after subsection (h) the fol-
25 lowing new subsection:

1 “(i) MEDIA SURVEYS AND ADVERTISEMENTS.—

2 “(1) SURVEYS CONDUCTED.—For the purpose
3 of more effectively disseminating information about
4 the rewards program, the Secretary may use the re-
5 sources of the rewards program to conduct media
6 surveys, including analyses of media markets, means
7 of communication, and levels of literacy, in countries
8 determined by the Secretary to be associated with
9 acts of international terrorism.

10 “(2) CREATION AND PURCHASE OF ADVERTISE-
11 MENTS.—The Secretary may use the resources of
12 the rewards program to create advertisements to dis-
13 seminate information about the rewards program.
14 The Secretary may base the content of such adver-
15 tisements on the findings of the surveys conducted
16 under paragraph (1). The Secretary may purchase
17 radio or television time, newspaper space, or make
18 use of any other means of advertisement, as appro-
19 priate.”.

20 (e) Not later than 90 days after the date of the enact-
21 ment of this Act, the Secretary of State shall submit to
22 the Committees on Appropriations of the House of Rep-
23 resentatives and of the Senate, the Committee on Inter-
24 national Relations of the House of Representatives and
25 the Committee on Foreign Relations of the Senate a plan

1 to maximize awareness of the reward available under sec-
2 tion 36 of the State Department Basic Authorities Act
3 of 1956 (22 U.S.C. 2708 et seq.) for the capture or infor-
4 mation leading to the capture of a leader of a foreign ter-
5 rorist organization who may be in Pakistan or Afghani-
6 stan. The Secretary may use the resources of the rewards
7 program to prepare the plan.

8 SEC. 406. For the purposes of registration of birth,
9 certification of nationality, or issuance of a passport of
10 a United States citizen born in the city of Jerusalem, the
11 Secretary of State shall, upon request of the citizen,
12 record the place of birth as Israel.

13 SEC. 407. The Secretary of State shall provide to a
14 member of the Committee on Appropriations of the Senate
15 or the Committee on Appropriations of the House of Rep-
16 resentatives a copy of each cable sent to or by a Depart-
17 ment of State employee that pertains to any topic specified
18 by the requesting member, regardless of the level of classi-
19 fication of the cable, not later than 15 days after the date
20 on which the member makes a written or verbal request
21 for such copies.

22 SEC. 408. There is established within the Department
23 of State the Office of the Coordinator for Reconstruction
24 and Stabilization: *Provided*, That the head of the Office
25 shall be the Coordinator for Reconstruction and Stabiliza-

1 tion, who shall report directly to the Secretary of State:
2 *Provided further*, That the functions of the Office of the
3 Coordinator for Reconstruction and Stabilization shall in-
4 clude—

5 (1) cataloguing and monitoring the non-military
6 resources and capabilities of Executive agencies (as
7 that term is defined in section 105 of title 5, United
8 States Code), State and local governments, and enti-
9 ties in the private and non-profit sectors that are
10 available to address crises in countries or regions
11 that are in, or are in transition from, conflict or civil
12 strife;

13 (2) monitoring political and economic instability
14 worldwide to anticipate the need for mobilizing
15 United States and international assistance for coun-
16 tries or regions described in paragraph (1);

17 (3) assessing crises in countries or regions de-
18 scribed in paragraph (1) and determining the appro-
19 priate non-military United States, including but not
20 limited to demobilization, policing, human rights
21 monitoring, and public information efforts;

22 (4) planning for response efforts under para-
23 graph (3);

1 (5) coordinating with relevant Executive agen-
2 cies the development of interagency contingency
3 plans for such response efforts; and

4 (6) coordinating the training of civilian per-
5 sonnel to perform stabilization and reconstruction
6 activities in response to crises in such countries or
7 regions described in paragraph (1).

8 SEC. 409. (a) The Secretary of State shall require
9 each chief of mission to review, not less than once every
10 5 years, every staff element under chief of mission author-
11 ity, including staff from other departments or agencies of
12 the United States, and recommend approval or dis-
13 approval of each staff element. Each such review shall be
14 conducted pursuant to a process established by the Presi-
15 dent for determining appropriate staffing at diplomatic
16 missions and overseas constituent posts (commonly re-
17 ferred to as the “NSDD–38 process”).

18 (b) The Secretary of State, as part of the process es-
19 tablished by the President referred to in subsection (a),
20 shall take actions to carry out the recommendations made
21 in each such review.

22 (c) Not later than one year after the date of enact-
23 ment of this Act, and annually thereafter, the Secretary
24 of State shall submit a report on such reviews that oc-
25 curred during the previous 12 months, together with the

1 Secretary's recommendations regarding such reviews to
2 the appropriate committees of Congress, the heads of all
3 affected departments or agencies, and the Inspector Gen-
4 eral of the Department of State.

5 SEC. 410. Funds appropriated by this Act for the
6 Broadcasting Board of Governors and the Department of
7 State may be obligated and expended notwithstanding sec-
8 tion 15 of the State Department Basic Authorities Act
9 of 1956, section 313 of the Foreign Relations Authoriza-
10 tion Act, Fiscal Years 1994 and 1995 (Public Law 103-
11 236), and section 504(a)(1) of the National Security Act
12 of 1947 (50 U.S.C. 414(a)(1)).

13 SEC. 411. During fiscal year 2005, section
14 404(b)(2)(B) of the Foreign Relations Authorization Act,
15 Fiscal Years 1994 and 1995 (Public Law 103-236; 22
16 U.S.C. 287e note), shall be administered as though the
17 matter following clause (iii) reads as follows:

18 ~~“(iv) For assessments made during~~
19 ~~calendar year 2004, 27.1 percent.~~

20 “(v) For assessments made during
21 calendar year 2005, 27.1 percent.”.

22 SEC. 412. (a) Section 402(a) of the Foreign Service
23 Act of 1980 (22 U.S.C. 3962(a)) is amended—

24 (1) in paragraph (1), by striking the second
25 and third sentences and inserting the following new

1 sentences: “The President shall also prescribe
2 ranges of basic salary rates for each class. Except as
3 provided in paragraph (3), basic salary rates for the
4 Senior Foreign Service may not exceed the max-
5 imum rate or be less than the minimum rate of basic
6 pay payable for the Senior Executive Service under
7 section 5382 of title 5, United States Code.”; and

8 (2) by striking paragraph (2) and inserting the
9 following new paragraphs:

10 “(2) The Secretary shall determine which basic salary
11 rate within the ranges prescribed by the President under
12 paragraph (1) shall be paid to each member of the Senior
13 Foreign Service based on individual performance, con-
14 tribution to the mission of the Department, or both, as
15 determined under a rigorous performance management
16 system. Except as provided in regulations prescribed by
17 the Secretary and, to the extent possible, consistent with
18 regulations governing the Senior Executive Service, the
19 Secretary may adjust the basic salary rate of a member
20 of the Senior Foreign Service not more than once during
21 any 12-month period.

22 “(3) Upon a determination by the Secretary that the
23 Senior Foreign Service performance appraisal system, as
24 designed and applied, makes meaningful distinctions
25 based on relative performance—

1 “(A) the maximum rate of basic pay payable for
2 the Senior Foreign Service shall be level II of the
3 Executive Schedule; and

4 “(B) the applicable aggregate pay cap shall be
5 equivalent to the aggregate pay cap set forth in sec-
6 tion 5307(d)(1) of title 5, United States Code, for
7 members of the Senior Executive Service.”.

8 (b) Section 405(b)(4) of such Act (22 U.S.C.
9 3965(b)(4)) is amended by inserting before the period the
10 following: “, or the limitation under section 402(a)(3),
11 whichever is higher”.

12 (c) Section 401(a) of such Act (22 U.S.C. 3961(a))
13 is amended by striking “shall not exceed the annual rate
14 of pay payable for level I of such Executive Schedule” and
15 inserting “shall be subject to the limitation on certain pay-
16 ments under section 5307 of title 5, United States Code,
17 or the limitation under section 402(a)(3), whichever is
18 higher”.

19 SEC. 413. (a) Section 2 of the State Department
20 Basic Authorities Act of 1956 (22 U.S.C. 2669) is amend-
21 ed by adding at the end the following:

22 “(o) make administrative corrections or adjustments
23 to an employee’s pay, allowances, or differentials, resulting
24 from mistakes or retroactive personnel actions, as well as
25 provide back pay and other categories of payments under

1 section 5596 of title 5, United States Code, as part of
2 the settlement or compromise of administrative claims or
3 grievances filed against the Department.”.

4 ~~(b) Such section is further amended in subsection (k),~~
5 ~~by striking “and”.~~

6 ~~SEC. 414. (a) None of the funds appropriated in this~~
7 ~~Act or any other act making appropriations for the De-~~
8 ~~partments of Commerce, Justice, State, the Judiciary, and~~
9 ~~related agencies may be made available to the~~
10 ~~Organisation for Economic Co-operation and Development~~
11 ~~unless the Secretary of State certifies to the Committee~~
12 ~~on Appropriations of the Senate and the Committee on~~
13 ~~Appropriations of the House of Representatives that such~~
14 ~~Organisation has not engaged in any activity to identify,~~
15 ~~report on, or penalize any country that encourages foreign~~
16 ~~investment through the adoption of tax incentives.~~

17 ~~(b) Except as provided in subsection (c) none of the~~
18 ~~funds appropriated in this Act or any other act making~~
19 ~~appropriations for the Departments of Commerce, Justice,~~
20 ~~State, the Judiciary, and related agencies may be made~~
21 ~~available for an international effort to track or report on~~
22 ~~interest or other investment income deposited in a finan-~~
23 ~~cial account in the United States that is held by a person~~
24 ~~who is not a citizen of the United States.~~

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~~compromise of administrative claims or grievances~~

~~filed against the Department."~~

(b) Such section is further amended—

(1) in subsection (k), by striking "and";

(2) by transferring subsection (m) within such section to appear after subsection (l);

(3) in subsections (l) and (m), by striking the period at the end of each subsection and inserting a semicolon; and

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~~SENATE~~

(4) in subsection (n), by striking the period at the end and inserting a semicolon and "and".

1 (c) The restriction in subsection (b) may not apply
2 to funds for an international effort described in such sub-
3 section if such international effort is carried out pursuant
4 to a treaty or other international agreement to which the
5 United States is a signatory.

6 (d) The restriction in subsection (b) may be waived
7 by the President for an international effort described in
8 such subsection if the President determines that such
9 waiver is in the national security interest of the United
10 States.

11 ~~(1) by transferring subsection (m) within such~~
12 ~~section to appear after subsection (l);~~

13 ~~(2) in subsections (l) and (m), by striking the~~
14 ~~period at the end of each subsection and inserting~~
15 ~~a semicolon; and~~

16 ~~(3) in subsection (n), by striking the period at~~
17 ~~the end and inserting a semicolon and "and".~~

18 This title may be cited as the "Department of State
19 and Related Agency Appropriations Act, 2005".

20 TITLE V—RELATED AGENCIES

21 ANTITRUST MODERNIZATION COMMISSION

22 SALARIES AND EXPENSES

23 For necessary expenses of the Antitrust Moderniza-
24 tion Commission, as authorized by Public Law 107-273,
25 \$1,187,000, to remain available until expended.

1 COMMISSION FOR THE PRESERVATION OF AMERICA'S
2 HERITAGE ABROAD

3 SALARIES AND EXPENSES

4 For expenses for the Commission for the Preservation
5 of America's Heritage Abroad, \$499,000, as authorized by
6 section 1303 of Public Law 99-83.

7 COMMISSION ON CIVIL RIGHTS

8 SALARIES AND EXPENSES

9 For necessary expenses of the Commission on Civil
10 Rights, including hire of passenger motor vehicles,
11 \$9,096,000: *Provided*, That not to exceed \$50,000 may
12 be used to employ consultants: *Provided further*, That
13 none of the funds appropriated in this paragraph shall be
14 used to employ in excess of four full-time individuals under
15 Schedule C of the Excepted Service exclusive of one special
16 assistant for each Commissioner: *Provided further*, That
17 none of the funds appropriated in this paragraph shall be
18 used to reimburse Commissioners for more than 75
19 billable days, with the exception of the chairperson, who
20 is permitted 125 billable days.

21 COMMISSION ON INTERNATIONAL RELIGIOUS FREEDOM

22 SALARIES AND EXPENSES

23 For necessary expenses for the United States Com-
24 mission on International Religious Freedom, as authorized
25 by title II of the International Religious Freedom Act of

1 1998 (Public Law 105–292), \$3,000,000, to remain avail-
2 able until expended: *Provided*, That in fiscal year 2005,
3 the Commission may procure temporary services for the
4 purpose of conducting a study on conditions of the right
5 to freedom of religion or belief in North Korea, notwith-
6 standing Section 208(c)(1) of Public Law 105–292 (22
7 U.S.C. 6435a(c)(1)).

8 COMMISSION ON SECURITY AND COOPERATION IN
9 EUROPE

10 SALARIES AND EXPENSES

11 For necessary expenses of the Commission on Secu-
12 rity and Cooperation in Europe, as authorized by Public
13 Law 94–304, \$1,831,000, to remain available until ex-
14 pended as authorized by section 3 of Public Law 99–7.

15 CONGRESSIONAL-EXECUTIVE COMMISSION ON THE
16 PEOPLE’S REPUBLIC OF CHINA

17 SALARIES AND EXPENSES

18 For necessary expenses of the Congressional-Execu-
19 tive Commission on the People’s Republic of China, as au-
20 thorized, \$1,900,000, including not more than \$3,000 for
21 the purpose of official representation, to remain available
22 until expended: *Provided*, That \$100,000 shall be for the
23 Political Prisoner Database.

1 EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

2 SALARIES AND EXPENSES

3 For necessary expenses of the Equal Employment
4 Opportunity Commission as authorized by title VII of the
5 Civil Rights Act of 1964 (29 U.S.C. 206(d) and 621-634),
6 the Americans with Disabilities Act of 1990, and the Civil
7 Rights Act of 1991, including services as authorized by
8 5 U.S.C. 3109; hire of passenger motor vehicles as author-
9 ized by 31 U.S.C. 1343(b); non-monetary awards to pri-
10 vate citizens; and not to exceed \$33,000,000 for payments
11 to State and local enforcement agencies for services to the
12 Commission pursuant to title VII of the Civil Rights Act
13 of 1964, sections 6 and 14 of the Age Discrimination in
14 Employment Act, the Americans with Disabilities Act of
15 1990, and the Civil Rights Act of 1991, \$331,228,000:
16 *Provided*, That the Commission is authorized to make
17 available for official reception and representation expenses
18 not to exceed \$2,500 from available funds: *Provided fur-*
19 *ther*, That the Commission may take no action to imple-
20 ment any workforce repositioning, restructuring, or reor-
21 ganization until such time as the ~~Committee~~ has been noti-
22 fied of such proposals, in accordance with the reprogram-
23 ming provisions of section 605 of this Act: *Provided fur-*
24 *ther*, That the Commission shall not have fewer field posi-
25 tion in fiscal year 2005 than in fiscal year 2004.

*Committees on
Appropriations
have*

1 FEDERAL COMMUNICATIONS COMMISSION

2 SALARIES AND EXPENSES

3 For necessary expenses of the Federal Communica-
4 tions Commission, as authorized by law, including uni-
5 forms and allowances therefor, as authorized by 5 U.S.C.
6 5901–5902; not to exceed \$600,000 for land and struc-
7 ture; not to exceed \$500,000 for improvement and care
8 of grounds and repair to buildings; not to exceed \$4,000
9 for official reception and representation expenses; pur-
10 chase and hire of motor vehicles; special counsel fees; and
11 services as authorized by 5 U.S.C. 3109, \$281,098,000:
12 *Provided*, That \$280,098,000 of offsetting collections shall
13 be assessed and collected pursuant to section 9 of title I
14 of the Communications Act of 1934, shall be retained and
15 used for necessary expenses in this appropriation, and
16 shall remain available until expended: *Provided further*,
17 That the sum herein appropriated shall be reduced as such
18 offsetting collections are received during fiscal year 2005
19 so as to result in a final fiscal year 2005 appropriation
20 estimated at \$1,000,000: *Provided further*, That any off-
21 setting collections received in excess of \$280,098,000 in
22 fiscal year 2005 shall remain available until expended, but
23 shall not be available for obligation until October 1, 2005:
24 *Provided further*, That notwithstanding 47 U.S.C.
25 309(j)(8)(B), proceeds from the use of a competitive bid-

1 ding system that may be retained and made available for
2 obligation shall not exceed \$85,000,000 for fiscal year
3 2005.

4 FEDERAL TRADE COMMISSION

5 SALARIES AND EXPENSES

6 For necessary expenses of the Federal Trade Com-
7 mission, including uniforms or allowances therefor, as au-
8 thorized by 5 U.S.C. 5901–5902; services as authorized
9 by 5 U.S.C. 3109; hire of passenger motor vehicles; and
10 not to exceed \$2,000 for official reception and representa-
11 tion expenses, \$205,430,000, to remain available until ex-
12 pended: *Provided*, That not to exceed \$300,000 shall be
13 available for use to contract with a person or persons for
14 collection services in accordance with the terms of 31
15 U.S.C. 3718: *Provided further*, That, notwithstanding any
16 other provision of law, not to exceed \$101,000,000 of off-
17 setting collections derived from fees collected for
18 premerger notification filings under the Hart-Scott-Ro-
19 dino Antitrust Improvements Act of 1976 (15 U.S.C.
20 18a), regardless of the year of collection, shall be retained
21 and used for necessary expenses in this appropriation:
22 *Provided further*, That \$21,901,000 in offsetting collec-
23 tions derived from fees sufficient to implement and enforce
24 the Telemarketing Sales Rule, promulgated under the
25 Telephone Consumer Fraud and Abuse Prevention Act

1 (15 U.S.C. 6101 et seq.), shall be credited to this account,
2 and be retained and used for necessary expenses in this
3 appropriation: *Provided further*, That the sum herein ap-
4 propriated from the general fund shall be reduced as such
5 offsetting collections are received during fiscal year 2005,
6 so as to result in a final fiscal year 2005 appropriation
7 from the general fund estimated at not more than
8 \$82,529,000: *Provided further*, That none of the funds
9 made available to the Federal Trade Commission may be
10 used to enforce subsection (e) of section 43 of the Federal
11 Deposit Insurance Act (12 U.S.C. 1831t) or section
12 151(b)(2) of the Federal Deposit Insurance Corporation
13 Improvement Act of 1991 (12 U.S.C. 1831t note).

14 HELP COMMISSION

15 SALARIES AND EXPENSES

16 For necessary expenses of the HELP Commission,
17 \$1,000,000, to remain available until expended.

18 LEGAL SERVICES CORPORATION

19 PAYMENT TO THE LEGAL SERVICES CORPORATION

20 For payment to the Legal Services Corporation to
21 carry out the purposes of the Legal Services Corporation
22 Act of 1974, \$335,282,000, of which \$316,604,000 is for
23 basic field programs and required independent audits;
24 \$2,573,000 is for the Office of Inspector General, of which
25 such amounts as may be necessary may be used to conduct

1 additional audits of recipients; \$13,000,000 is for manage-
2 ment and administration; \$1,272,000 is for client self-help
3 and information technology; and \$1,833,000 is for grants
4 to offset losses due to census adjustments: *Provided*, That
5 not to exceed \$1,000,000 from amounts previously appro-
6 priated under this heading may be used for a student loan
7 repayment pilot program.

8 ADMINISTRATIVE PROVISION—LEGAL SERVICES

9 CORPORATION

10 None of the funds appropriated in this Act to the
11 Legal Services Corporation shall be expended for any pur-
12 pose prohibited or limited by, or contrary to any of the
13 provisions of, sections 501, 502, 503, 504, 505, and 506
14 of Public Law 105–119, and all funds appropriated in this
15 Act to the Legal Services Corporation shall be subject to
16 the same terms and conditions set forth in such sections,
17 except that all references in sections 502 and 503 to 1997
18 and 1998 shall be deemed to refer instead to 2004 and
19 2005, respectively, and except that section 501(a)(1) of
20 Public Law 104–134 (110 Stat. 1321–51, et seq.) shall
21 not apply to the use of the \$1,833,000 to address loss
22 of funding due to Census-based reallocations.

1 MARINE MAMMAL COMMISSION

2 SALARIES AND EXPENSES

3 For necessary expenses of the Marine Mammal Com-
4 mission as authorized by title II of Public Law 92-522,
5 \$1,890,000.

6 NATIONAL VETERANS BUSINESS DEVELOPMENT

7 CORPORATION

8 For necessary expenses of the National Veterans
9 Business Development Corporation as authorized under
10 section 33(a) of the Small Business Act, \$2,000,000, to
11 remain available until expended.

12 SECURITIES AND EXCHANGE COMMISSION

13 SALARIES AND EXPENSES

14 For necessary expenses for the Securities and Ex-
15 change Commission, including services as authorized by
16 5 U.S.C. 3109, the rental of space (to include multiple
17 year leases) in the District of Columbia and elsewhere, and
18 not to exceed \$3,000 for official reception and representa-
19 tion expenses, \$913,000,000, to remain available until ex-
20 pended; of which not to exceed \$10,000 may be used to-
21 ward funding a permanent secretariat for the Inter-
22 national Organization of Securities Commissions; and of
23 which not to exceed \$100,000 shall be available for ex-
24 penses for consultations and meetings hosted by the Com-
25 mission with foreign governmental and other regulatory

1 officials, members of their delegations, appropriate rep-
2 resentatives and staff to exchange views concerning devel-
3 opments relating to securities matters, development and
4 implementation of cooperation agreements concerning se-
5 curities matters and provision of technical assistance for
6 the development of foreign securities markets, such ex-
7 penses to include necessary logistic and administrative ex-
8 penses and the expenses of Commission staff and foreign
9 invitees in attendance at such consultations and meetings
10 including: (1) such incidental expenses as meals taken in
11 the course of such attendance; (2) any travel and trans-
12 portation to or from such meetings; and (3) any other re-
13 lated lodging or subsistence: *Provided*, That fees and
14 charges authorized by sections 6(b) of the Securities Ex-
15 change Act of 1933 (15 U.S.C. 77f(b)), and 13(e), 14(g)
16 and 31 of the Securities Exchange Act of 1934 (15 U.S.C.
17 78m(e), 78n(g), and 78ee), shall be credited to this ac-
18 count as offsetting collections: *Provided further*, That not
19 to exceed \$856,000,000 of such offsetting collections shall
20 be available until expended for necessary expenses of this
21 account: *Provided further*, That \$57,000,000 shall be de-
22 rived from prior year unobligated balances from funds pre-
23 viously appropriated to the Securities and Exchange Com-
24 mission: *Provided further*, That the total amount appro-
25 priated under this heading from the general fund for fiscal

1 year 2005 shall be reduced as such offsetting fees are re-
2 ceived so as to result in a final total fiscal year 2005 ap-
3 propriation from the general fund estimated at not more
4 than \$0.

5 Not later than May 1, 2005, the Securities and Ex-
6 change Commission shall submit a report to the Com-
7 mittee on Appropriations of the Senate that provides a
8 justification for final rules issued by the Commission on
9 June 30, 2004 (amending title 17, Code of Federal Regu-
10 lations, Parts 239, 240, and 274), requiring that the chair
11 of the board of directors of a mutual fund be an inde-
12 pendent director: *Provided*, That such report shall analyze
13 whether mutual funds chaired by disinterested directors
14 perform better, have lower expenses, or have better com-
15 pliance records than mutual funds chaired by interested
16 directors: *Provided further*, That the Securities and Ex-
17 change Commission shall act upon the recommendations
18 of such report not later than January 1, 2006.

19 SMALL BUSINESS ADMINISTRATION

20 SALARIES AND EXPENSES

21 For necessary expenses, not otherwise provided for,
22 of the Small Business Administration as authorized by
23 Public Law 106-554, including hire of passenger motor
24 vehicles as authorized by 31 U.S.C. 1343 and 1344, and
25 not to exceed \$3,500 for official reception and representa-

1 tion expenses, \$322,335,000: *Provided*, That the Adminis-
2 trator is authorized to charge fees to cover the cost of pub-
3 lications developed by the Small Business Administration,
4 and certain loan servicing activities: *Provided further*,
5 That, notwithstanding 31 U.S.C. 3302, revenues received
6 from all such activities shall be credited to this account,
7 to be available for carrying out these purposes without fur-
8 ther appropriations: *Provided further*, That \$89,000,000
9 shall be available to fund grants for performance in fiscal
10 year 2005 or fiscal year 2006 as authorized: *Provided fur-*
11 *ther*, That the Small Business Administration is author-
12 ized to award grants under the Women's Business Center
13 Sustainability Pilot Program established by section 4(a)
14 of Public Law 106-165 (15 U.S.C. 656(l)): *Provided fur-*
15 *ther*, That, of the amounts provided for Women's Business
16 Centers, not less than 48 percent shall be available to con-
17 tinue Women's Business Centers in sustainability status.

18 OFFICE OF INSPECTOR GENERAL

19 For necessary expenses of the Office of Inspector
20 General in carrying out the provisions of the Inspector
21 General Act of 1978, \$13,014,000.

22 SURETY BOND GUARANTEES REVOLVING FUND

23 For additional capital for the Surety Bond Guar-
24 tees Revolving Fund, authorized by the Small Business
25 Investment Act, as amended, \$2,900,000, to remain avail-
26 able until expended.

1 BUSINESS LOANS PROGRAM ACCOUNT

2 For the cost of direct loans, \$1,455,000, to remain
3 available until expended: *Provided*, That such costs, in-
4 cluding the cost of modifying such loans, shall be as de-
5 fined in section 502 of the Congressional Budget Act of
6 1974: *Provided further*, That subject to section 502 of the
7 Congressional Budget Act of 1974, during fiscal year
8 2005 commitments to guarantee loans under section 503
9 of the Small Business Investment Act of 1958, shall not
10 exceed \$5,000,000,000: *Provided further*, That Subsection *b.c.*
11 503(f) of the Small Business Investment Act of 1958 (15
12 U.S.C. 697(f)), as amended by section 2 of Public Law
13 108-217, is further amended by striking "October 1,
14 2004" and inserting "October 1, 2005": *Provided further*,
15 That during fiscal year 2005 commitments for general
16 business loans authorized under section 7(a) of the Small
17 Business Act, shall not exceed \$16,000,000,000: *Provided*
18 *further*, That during fiscal year 2005 commitments to
19 guarantee loans for debentures and participating securi-
20 ties under section 303(b) of the Small Business Invest-
21 ment Act of 1958, shall not exceed the levels established
22 by section 20(i)(1)(C) of the Small Business Act: *Provided*
23 *further*, That during fiscal year 2005 guarantees of trust
24 certificates authorized by section 5(g) of the Small Busi-

1 ness Act shall not exceed a principal amount of
2 \$10,000,000,000.

3 In addition, for administrative expenses to carry out
4 the direct and guaranteed loan programs, \$126,653,000,
5 which may be transferred to and merged with the appro-
6 priations for Salaries and Expenses.

7 DISASTER LOANS PROGRAM ACCOUNT

8 For administrative expenses to carry out the direct
9 loan program authorized by section 7(b), of the Small
10 Business Act, \$113,159,000, which may be transferred to
11 and merged with appropriations for Salaries and Ex-
12 penses, of which \$500,000 is for the Office of Inspector
13 General of the Small Business Administration for audits
14 and reviews of disaster loans and the disaster loan pro-
15 gram and shall be transferred to and merged with appro-
16 priations for the Office of Inspector General; of which
17 \$104,409,000 is for direct administrative expenses of loan
18 making and servicing to carry out the direct loan program,
19 to remain available until expended; and of which
20 \$8,250,000 is for indirect administrative expenses: *Pro-*
21 *vided*, That any amount in excess of \$8,250,000 to be
22 transferred to and merged with appropriations for Salaries
23 and Expenses for indirect administrative expenses shall be
24 treated as a reprogramming of funds under section 605
25 of this Act and shall not be available for obligation or ex-

1 penditure except in compliance with the procedures set
2 forth in that section.

3 ADMINISTRATIVE PROVISION—SMALL BUSINESS

4 ADMINISTRATION

5 Not to exceed 5 percent of any appropriation made
6 available for the current fiscal year for the Small Business
7 Administration in this Act may be transferred between
8 such appropriations, but no such appropriation shall be
9 increased by more than 10 percent by any such transfers:
10 *Provided*, That any transfer pursuant to this paragraph
11 shall be treated as a reprogramming of funds under sec-
12 tion 605 of this Act and shall not be available for obliga-
13 tion or expenditure except in compliance with the proce-
14 dures set forth in that section.

15 STATE JUSTICE INSTITUTE

16 SALARIES AND EXPENSES

17 For necessary expenses of the State Justice Institute,
18 as authorized by the State Justice Institute Authorization
19 Act of 1992 (Public Law 102–572), \$2,613,000: *Provided*,
20 That not to exceed \$2,500 shall be available for official
21 reception and representation expenses.

22 UNITED STATES-CHINA ECONOMIC AND SECURITY

23 REVIEW COMMISSION

24 SALARIES AND EXPENSES

25 For necessary expenses of the United States-China
26 Economic and Security Review Commission, \$3,000,000,

1 including not more than \$5,000 for the purpose of official
2 representation, to remain available until expended.

3 ~~UNITED STATES INSTITUTE OF PEACE~~

4 OPERATING EXPENSES

5 For necessary expenses of the United States Institute
6 of Peace as authorized in the United States Institute of
7 Peace Act, \$23,000,000: *Provided*, That \$1,500,000 is for
8 necessary expenses for the Task Force on the United Na-
9 tions: *Provided further*, That the Task Force on the
10 United Nations shall submit a report on its findings to
11 the Committees on Appropriations of the House of Rep-
12 resentatives and Senate not later than 180 days after the
13 date of the enactment of this Act. ~~UNITED STATES INSTITUTE OF PEACE~~

14 UNITED STATES SENATE-CHINA INTERPARLIAMENTARY
15 GROUP

16 SALARIES AND EXPENSES

17 For necessary expenses of the United States Senate-
18 China Interparliamentary Group, as authorized under
19 Section 153 of the Consolidated Appropriations Act, 2004
20 (22 U.S.C. 276n; Public Law 108-199; 118 Stat. 448),
21 \$100,000, to remain available until expended.

Delete
Brackets

1 TITLE VI—GENERAL PROVISIONS

2 (INCLUDING RESCISSIONS)

3 SEC. 601. No part of any appropriation contained in
4 this Act shall be used for publicity or propaganda purposes
5 not authorized by the Congress.

6 SEC. 602. No part of any appropriation contained in
7 this Act shall remain available for obligation beyond the
8 current fiscal year unless expressly so provided herein.

9 SEC. 603. The expenditure of any appropriation
10 under this Act for any consulting service through procure-
11 ment contract, pursuant to 5 U.S.C. 3109, shall be limited
12 to those contracts where such expenditures are a matter
13 of public record and available for public inspection, except
14 where otherwise provided under existing law, or under ex-
15 isting Executive order issued pursuant to existing law.

16 SEC. 604. If any provision of this Act or the applica-
17 tion of such provision to any person or circumstances shall
18 be held invalid, the remainder of the Act and the applica-
19 tion of each provision to persons or circumstances other
20 than those as to which it is held invalid shall not be af-
21 fected thereby.

22 SEC. 605. (a) None of the funds provided under this
23 Act, or provided under previous appropriations Acts to the
24 agencies funded by this Act that remain available for obli-
25 gation or expenditure in fiscal year 2005, or provided from

1 any accounts in the Treasury of the United States derived
2 by the collection of fees available to the agencies funded
3 by this Act, shall be available for obligation or expenditure
4 through a reprogramming of funds that: (1) creates new
5 programs; (2) eliminates a program, project, or activity;
6 (3) increases funds or personnel by any means for any
7 project or activity for which funds have been denied or
8 restricted; (4) relocates an office or employees; (5) reorga-
9 nizes or renames offices; (6) reorganizes programs or ac-
10 tivities; or (7) contracts out or privatizes any functions
11 or activities presently performed by Federal employees;
12 unless the Appropriations Committees of both Houses of
13 Congress are notified 15 days in advance of such re-
14 programming of funds.

15 (b) None of the funds provided under this Act, or
16 provided under previous appropriations Acts to the agen-
17 cies funded by this Act that remain available for obligation
18 or expenditure in fiscal year 2005, or provided from any
19 accounts in the Treasury of the United States derived by
20 the collection of fees available to the agencies funded by
21 this Act, shall be available for obligation or expenditure
22 for activities, programs, or projects through a reprogram-
23 ming of funds in excess of \$750,000 or 10 percent, which-
24 ever is less, that: (1) augments existing programs,
25 projects, or activities; (2) reduces by 10 percent funding

1 for any existing program, project, or activity, or numbers
2 of personnel by 10 percent as approved by Congress; or
3 (3) results from any general savings, including savings
4 from a reduction in personnel, which would result in a
5 change in existing programs, activities, or projects as ap-
6 proved by Congress; unless the Appropriations Commit-
7 tees of both Houses of Congress are notified 15 days in
8 advance of such reprogramming of funds.

9 SEC. 606. Hereafter, none of the funds made avail-
10 able in this Act may be used for the construction, repair
11 (other than emergency repair), overhaul, conversion, or
12 modernization of vessels for the National Oceanic and At-
13 mospheric Administration in shipyards located outside of
14 the United States.

15 SEC. 607. None of the funds made available in this
16 Act may be used to implement, administer, or enforce any
17 guidelines of the Equal Employment Opportunity Com-
18 mission covering harassment based on religion, when it is
19 made known to the Federal entity or official to which such
20 funds are made available that such guidelines do not differ
21 in any respect from the proposed guidelines published by
22 the Commission on October 1, 1993 (58 Fed. Reg.
23 51266).

24 SEC. 608. If it has been finally determined by a court
25 or Federal agency that any person intentionally affixed a

1 label bearing a "Made in America" inscription, or any in-
2 scription with the same meaning, to any product sold in
3 or shipped to the United States that is not made in the
4 United States, the person shall be ineligible to receive any
5 contract or subcontract made with funds made available
6 in this Act, pursuant to the debarment, suspension, and
7 ineligibility procedures described in sections 9.400 through
8 9.409 of title 48, Code of Federal Regulations.

9 SEC. 609. None of the funds made available by this
10 Act may be used for any United Nations undertaking
11 when it is made known to the Federal official having au-
12 thority to obligate or expend such funds that: (1) the
13 United Nations undertaking is a peacekeeping mission; (2)
14 such undertaking will involve United States Armed Forces
15 under the command or operational control of a foreign na-
16 tional; and (3) the President's military advisors have not
17 submitted to the President a recommendation that such
18 involvement is in the national security interests of the
19 United States and the President has not submitted to the
20 Congress such a recommendation.

21 SEC. 610. The Departments of Commerce, Justice,
22 and State, the Judiciary, the Federal Communications
23 Commission, the Securities and Exchange Commission
24 and the Small Business Administration shall provide to
25 the Committees on Appropriations of the Senate and of

1 the House of Representatives a quarterly accounting of
2 the cumulative balances of any unobligated funds that
3 were received by such agency during any previous fiscal
4 year.

5 SEC. 611. (a) None of the funds appropriated or oth-
6 erwise made available by this Act shall be expended for
7 any purpose for which appropriations are prohibited by
8 section 609 of the Departments of Commerce, Justice, and
9 State, the Judiciary, and Related Agencies Appropriations
10 Act, 1999.

11 (b) The requirements in subparagraphs (A) and (B)
12 of section 609 of that Act shall continue to apply during
13 fiscal year 2005.

14 SEC. 612. Any costs incurred by a department or
15 agency funded under this Act resulting from personnel ac-
16 tions taken in response to funding reductions included in
17 this Act shall be absorbed within the total budgetary re-
18 sources available to such department or agency: *Provided*,
19 That the authority to transfer funds between appropria-
20 tions accounts as may be necessary to carry out this sec-
21 tion is provided in addition to authorities included else-
22 where in this Act: *Provided further*, That use of funds to
23 carry out this section shall be treated as a reprogramming
24 of funds under section 605 of this Act and shall not be

1 available for obligation or expenditure except in compli-
2 ance with the procedures set forth in that section.

3 SEC. 613. None of the funds provided by this Act
4 shall be available to promote the sale or export of tobacco
5 or tobacco products, or to seek the reduction or removal
6 by any foreign country of restrictions on the marketing
7 of tobacco or tobacco products, except for restrictions
8 which are not applied equally to all tobacco or tobacco
9 products of the same type.


10 SEC. 614. (a) None of the funds appropriated or oth-
11 erwise made available by this Act shall be expended for
12 any purpose for which appropriations are prohibited by
13 section 616 of the Departments of Commerce, Justice, and
14 State, the Judiciary, and Related Agencies Appropriations
15 Act, 1999.

16 (b) The requirements in subsections (b) and (c) of
17 section 616 of that Act shall continue to apply during fis-
18 cal year 2005.

19 SEC. 615. None of the funds appropriated pursuant
20 to this Act or any other provision of law may be used for—

21 (1) the implementation of any tax or fee in con-
22 nection with the implementation of subsection 922(t)
23 of title 18, United States Code; and

24 (2) any system to implement subsection 922(t)
25 of title 18, United States Code, that does not re-

1 quire and result in the destruction of any identifying
2 information submitted by or on behalf of any person
3 who has been determined not to be prohibited from
4 possessing or receiving a firearm no more than 24
5 hours after the system advises a Federal firearms li-
6 censee that possession or receipt of a firearm by the
7 prospective transferee would not violate subsection
8 (g) or (n) of section 922 of title 18, United States
9 Code, or State law. 

10 SEC. 616. Notwithstanding any other provision of
11 law, amounts deposited or available in the Fund estab-
12 lished under 42 U.S.C. 10601 in any fiscal year in excess
13 of \$625,000,000 shall not be available for obligation until
14 the following fiscal year.

15 SEC. 617. None of the funds made available to the
16 Department of Justice in this Act may be used to discrimi-
17 nate against or denigrate the religious or moral beliefs of
18 students who participate in programs for which financial
19 assistance is provided from those funds, or of the parents
20 or legal guardians of such students.

21 SEC. 618. None of the funds appropriated or other-
22 wise made available to the Department of State shall be
23 available for the purpose of granting either immigrant or
24 nonimmigrant visas, or both, consistent with the deter-
25 mination of the Secretary of State under section 243(d)

1 of the Immigration and Nationality Act, to citizens, sub-
2 jects, nationals, or residents of countries that the Sec-
3 retary of Homeland Security has determined deny or un-
4 reasonably delay accepting the return of citizens, subjects,
5 nationals, or residents under that section.

6 SEC. 619. (a) For additional amounts under the
7 heading "Small Business Administration, Salaries and
8 Expenses", \$500,000 shall be available for the Adelante
9 Development Center, Inc.; \$150,000 shall be available for
10 the Advanced Polymer Processing Institute; \$150,000
11 shall be available for the Alaska Procurement Technical
12 Assistance Center; \$250,000 shall be available for Busi-
13 ness and Professional Women of Alaska; \$75,000 shall be
14 available for the Center for Applied Research and Eco-
15 nomic Development at the University of Southern Indiana;
16 \$300,000 shall be available for the Center for Emerging
17 Technologies; \$225,000 shall be available for the Center
18 for Entrepreneurship and Technology at the Nevada Com-
19 mission for Economic Development; \$100,000 shall be
20 available for the Central Connecticut State University In-
21 stitute of Technology and Business Development;
22 \$600,000 shall be available for the Des Moines Higher
23 Education Pappajohn Center; \$150,000 shall be available
24 for the East Central Indiana Business Incubator at Ball
25 State University; \$100,000 shall be available for the En-

1 trepreneurial Venture Assistance Demonstration Project
2 at the Iowa Department of Economic Development;
3 \$75,000 shall be available for the Idaho Virtual Incubator
4 at Lewis-Clark State College for an E-Commerce Certifi-
5 cation program; \$600,000 shall be available for the Indus-
6 trial Outreach Service at Mississippi State University;
7 \$2,000,000 shall be available for the Innovation and Com-
8 mercialization Center at the University of Southern Mis-
9 sissippi; \$100,000 shall be available for the Kennebec Val-
10 ley Council of Governments' Business Development Pro-
11 gram; \$100,000 shall be available for the Knoxville College
12 Small Business Incubator Program; \$250,000 shall be
13 available for the Louisiana State University Law School's
14 Latin American Commercial Law Program; \$250,000
15 shall be available for the Minority Business Development
16 Center at Alcorn State University; \$600,000 shall be
17 available for the Mississippi Technology Alliance;
18 \$200,000 shall be available for the Montana Department
19 of Commerce for a State government information sharing
20 initiative; \$125,000 shall be available for the Myrtle Beach
21 International Trade and Convention Center; \$250,000
22 shall be available for the Nanotechnology Research Pro-
23 gram at the Oregon Health and Science University;
24 \$550,000 shall be available for the New Product Develop-
25 ment and Commercialization Center for Rural Manufac-

1 turers; \$125,000 shall be available for the New Hampshire
2 Women's Business Center; \$500,000 shall be available for
3 Operation Safe Commerce; \$200,000 shall be available for
4 the Southern University Foundation's Martin Luther
5 King Initiative; \$75,000 shall be available for Technology
6 2020; \$1,000,000 shall be available for the Technology
7 Venture Center/InvestNet Partnership for Alaska and
8 Montana; \$500,000 shall be available for the Textile
9 Marking System; \$300,000 shall be available for the Tow-
10 son University International Business Incubator;
11 \$1,000,000 shall be available for the Tuck School of Busi-
12 ness/MBDA Partnership; \$325,000 shall be available for
13 the University of Colorado Nanotechnology and Charac-
14 terization Facility; \$8,000,000 shall be available for the
15 University of South Carolina Thomas Cooper Library;
16 ~~\$50,000~~ shall be available for the Virginia Electronic
17 Commerce Technology Center at Christopher Newport
18 University; \$125,000 shall be available for the Women's
19 Business Development Center in Stamford, Connecticut;
20 and \$100,000 shall be available for the World Trade Cen-
21 ter of Greater Philadelphia; \$50,000 shall be available for
22 a grant to the Center for Excellence in Education;
23 \$100,000 shall be available for a grant to The Cedar
24 Creek Battlefield Foundation; \$100,000 shall be available
25 for a grant to Belle Grove Plantation; ~~\$100,000~~ shall be

\$1,000,000

\$150,000

1 available for a grant to the City of Manassas Park for
2 economic development; \$100,000 shall be available for a
3 grant to the Shenandoah Valley Travel Association;
4 \$1,200,000 shall be available for a grant to Shenandoah
5 University to develop a facility for a business program;
6 ~~\$100,000 shall be available for a grant to Christopher~~
7 ~~Newport University for the Virginia Electronic Commerce~~
8 ~~Technology Center~~; \$115,000 shall be available for a grant
9 to Economic Alliance Houston Port Region; \$20,000 shall
10 be available for a grant to the Town of South Boston, Vir-
11 ginia, for small business development; \$100,000 shall be
12 available for a grant to Patrick Henry Community College
13 for a workforce training program; \$100,000 shall be avail-
14 able for a grant for Danville Community College for a
15 workforce training program; \$1,000,000 shall be available
16 for a grant to the University of Illinois for the Information
17 Trust Institute initiative; \$500,000 shall be available for
18 a grant to Wittenberg University for a technology initia-
19 tive; \$500,000 shall be available for a grant to the Dayton
20 Development Coalition; \$250,000 shall be available for a
21 grant for REI Rural Business Resources Center in Semi-
22 nole, Oklahoma; \$50,000 shall be available for a grant to
23 Experience Works to expand opportunities for older work-
24 ers; \$50,000 shall be available for a grant to Project Listo
25 for workforce development and procurement opportunities;

1 \$100,000 shall be available for a grant to North Iowa
2 Area Community College for a small business incubator;
3 \$450,000 shall be available for a grant to California State
4 University, in San Bernardino, California, for development
5 of the Center for the Commercialization of Advanced
6 Technology; \$50,000 shall be available for a grant to
7 Rowan University for a workforce training program;
8 \$200,000 shall be available for a grant to the Freeport
9 Downtown Development Foundation for a small business
10 economic development initiative; \$1,500,000 shall be avail-
11 able for a grant to the Rockford Area Convention and
12 Visitors Bureau for a manufacturing program; \$200,000
13 shall be available for a grant to Jefferson County Develop-
14 ment Council; \$200,000 shall be available for a grant to
15 Clearfield County Economic Development Corporation;
16 \$500,000 shall be available for a grant to the Columbus
17 College of Art and Design for facilities development to
18 build partnerships with businesses; \$115,000 shall be
19 available for a grant to Ohio Business Connection;
20 \$1,000,000 shall be available for a grant to the Southern
21 and Eastern Kentucky Tourism Development Association;
22 \$500,000 shall be available for a grant to the Bridgeport
23 Regional Business Council for an economic integration ini-
24 tiative; \$100,000 shall be available for a grant to
25 Cedarbridge Development Corporation for a redevelop-

1 ment initiative; \$900,000 shall be available for a grant to
2 Western Carolina University for a computer engineering
3 program; \$100,000 shall be available for a grant to Ashe-
4 ville-Buncombe Technical Community College for an eco-
5 nomic development initiative; \$100,000 shall be available
6 for a grant to Jubilee Homes for the Southwest Economic
7 Business Resource Center; \$400,000 shall be available for
8 a grant for the Connect the Valley initiative; \$400,000
9 shall be available for a grant to the University of Ten-
10 nessee Corridor Initiative; \$500,000 shall be available for
11 a grant to the Illinois Institute for Technology to examine
12 and assess advancements in biotechnologies; \$250,000
13 shall be available for a grant to the City of Largo, Florida,
14 for business information; \$250,000 shall be available for
15 a grant to Pro Co Technology, Inc. in the Bronx, New
16 York, for a computer training center; \$50,000 shall be
17 available for a grant for the Promesa Foundation in the
18 Bronx, New York, to provide community growth funding;
19 \$200,000 shall be available for a grant to Bronx Shep-
20 herds for community programs; \$150,000 shall be avail-
21 able for a grant to HOGAR, Inc. in the Bronx, New York;
22 \$200,000 shall be available for a grant to Promesa Enter-
23 prises to provide services and support to community based
24 organizations in the Bronx, New York; \$200,000 for the
25 Arthur Avenue Retail Market in the Bronx, New York,

1 for facility, improvement, and maintenance needs to meet
2 the Market's business requirements; \$200,000 shall be
3 available for a grant to Pregones Theater in the Bronx,
4 New York for business infrastructure; \$200,000 shall be
5 available for a grant to Presbyterian Senior Services for
6 their Grandparent Family Apartments project and pro-
7 grams in the Bronx, New York; \$100,000 shall be avail-
8 able for a grant to Thorpe Family Residence, Inc. to con-
9 tinue its services and programs in the Bronx, New York;
10 \$100,000 shall be available for a grant to the Puerto
11 Rican Traveling Theater in the Bronx, New York for out-
12 reach and programs; \$100,000 shall be available for
13 Casita Maria's Career and College Placement Preparation
14 to be implemented in coordination with business partners
15 in New York City; \$1,100,000 shall be available for a
16 grant to the MountainMade Foundation to fulfill its char-
17 ter purposes and to continue the initiative developed by
18 the NTTTC for outreach and promotion, business and sites
19 development, the education of artists and craftspeople,
20 and to promote small businesses, artisans and their prod-
21 ucts through market development, advertisement, com-
22 mercial sale and other promotional means; \$1,000,000
23 shall be available for a grant for Northwest Shoals Com-
24 munity College to complete the Center for Business and
25 Industry; \$1,000,000 shall be available for the Rhode Is-

1 land School of Design in Providence, Rhode Island for the
2 continued modernization of the Mason Building;
3 \$1,000,000 shall be available for a grant to the Norwegian
4 American Foundation to fulfill its charter purposes;
5 \$750,000 shall be available for a grant to St. Mary's Col-
6 lege for a telecommunications initiative; \$400,000 shall be
7 available for a grant to the Economic Growth Council Pro-
8 curement Assistance Program; \$500,000 shall be available
9 for a grant to Johnstown Area Regional Industries in
10 Pennsylvania for an enhanced economic development ini-
11 tiative; \$300,000 shall be available for a grant to the Good
12 Old Lower East Side organization for a small business
13 economic development initiative for the Lower East Side,
14 New York; \$200,000 shall be available for a grant for the
15 Sunnyside Chamber of Commerce to conduct a redevelop-
16 ment study for Sunnyside, Queens, NY and to implement
17 improvements.

18 (b) Section 621 of Division B of Public Law 108-
19 199 is amended—

20 (1) by striking “\$1,000,000 shall be available
21 for the Providence, Rhode Island Center for Women
22 and Enterprise for infrastructure development;” and
23 inserting “\$100,000 shall be available for the Provi-
24 dence, Rhode Island Center for Women and Enter-
25 prise for small business development programs and

1 infrastructure development; \$900,000 shall be avail-
2 able for the Rhode Island School of Design in Provi-
3 dence, Rhode Island for the continued modernization
4 of the Mason Building;”,

5 (2) by inserting “for the purpose of conducting
6 the program and providing financial assistance”
7 after “the Economic Growth Connection Paperless
8 Procurement Program”, and

9 (3) by inserting “and to implement improve-
10 ments” after “the Ridgewood Myrtle Avenue Busi-
11 ness Improvement District to conduct a redevelop-
12 ment study”.

13 SEC. 620. All disaster loans issued in Alaska shall
14 be administered by the Small Business Administration and
15 shall not be sold during fiscal year 2005.

16 SEC. 621. None of the funds made available in this
17 Act may be transferred to any department, agency, or in-
18 strumentality of the United States Government, except
19 pursuant to a transfer made by, or transfer authority pro-
20 vided in, this Act or any other appropriation Act.

21 SEC. 622. The Departments of Commerce, Justice,
22 State, the Judiciary, the Securities and Exchange Com-
23 mission and the Small Business Administration shall, not
24 later than two months after the date of the enactment of
25 this Act, certify that telecommuting opportunities are

1 made available to 100 percent of the eligible workforce:
2 *Provided*, That, of the total amounts appropriated to the
3 Departments of Commerce, Justice, State, the Judiciary,
4 the Securities and Exchange Commission and the Small
5 Business Administration, \$5,000,000 shall be available
6 only upon such certification: *Provided further*, That each
7 Department or agency shall provide quarterly reports to
8 the Committees on Appropriations on the status of tele-
9 commuting programs, including the number of Federal
10 employees eligible for, and participating in, such pro-
11 grams: *Provided further*, That each Department or agency
12 shall designate a "Telework Coordinator" to be respon-
13 sible for overseeing the implementation and operations of
14 telecommuting programs, and serve as a point of contact
15 on such programs for the Committees on Appropriations.

16 SEC. 623. With the consent of the President, the Sec-
17 retary of Commerce shall represent the United States Gov-
18 ernment in negotiating and monitoring international
19 agreements regarding fisheries, marine mammals, or sea
20 turtles: *Provided*, That the Secretary of Commerce shall
21 be responsible for the development and interdepartmental
22 coordination of the policies of the United States with re-
23 spect to the international negotiations and agreements re-
24 ferred to in this section.

1 SEC. 624. (a) Tracing studies conducted by the Bu-
2 reau of Alcohol, Tobacco, Firearms and Explosives are re-
3 leased without adequate disclaimers regarding the limita-
4 tions of the data.

5 (b) The Bureau of Alcohol, Tobacco, Firearms and
6 Explosives shall include in all such data releases, language
7 similar to the following that would make clear that trace
8 data cannot be used to draw broad conclusions about fire-
9 arms-related crime:

10 (1) Firearm traces are designed to assist law
11 enforcement authorities in conducting investigations
12 by tracking the sale and possession of specific fire-
13 arms. Law enforcement agencies may request fire-
14 arms traces for any reason, and those reasons are
15 not necessarily reported to the Federal Government.
16 Not all firearms used in crime are traced and not all
17 firearms traced are used in crime.

18 (2) Firearms selected for tracing are not chosen
19 for purposes of determining which types, makes or
20 models of firearms are used for illicit purposes. The
21 firearms selected do not constitute a random sample
22 and should not be considered representative of the
23 larger universe of all firearms used by criminals, or
24 any subset of that universe. Firearms are normally
25 traced to the first retail seller, and sources reported

1 for firearms traced do not necessarily represent the
2 sources or methods by which firearms in general are
3 acquired for use in crime.

4 SEC. 625. None of the funds made available in this
5 Act may be used in violation of section 212(a)(10)(C) of
6 the Immigration and Nationality Act.

7 SEC. 626. None of the funds appropriated or other-
8 wise made available under this Act may be used to issue
9 patents on claims directed to or encompassing a human
10 organism.

11 SEC. 627. None of the funds made available in this
12 Act may be used to pay expenses for any United States
13 delegation to any specialized agency, body, or commission
14 of the United Nations if such commission is chaired or
15 presided over by a country, the government of which the
16 Secretary of State has determined, for purposes of section
17 6(j)(1) of the Export Administration Act of 1979 (50
18 U.S.C. App. 2405(j)(1)), has provided support for acts of
19 international terrorism.

20 SEC. 628. (a) The Department of Justice, the De-
21 partment of Homeland Security, and the Department of
22 State shall jointly conduct a thorough study of all matters
23 relating to the efficiency and effectiveness of the inter-
24 agency process used to review applications for non-
25 immigrant visas issued under section 221(a)(1)(B) of the

1 Immigration and Nationality Act (8 U.S.C.
2 1201(a)(1)(B)). The Department of Justice, the Depart-
3 ment of Homeland Security, and the Department of State
4 shall, in conducting this study, develop recommendations
5 on—

6 (1) clearance procedures for nonimmigrant
7 visas that should be eliminated;

8 (2) such procedures that should be continued;

9 (3) the appropriate Federal agencies or depart-
10 ments or entities that should participate in each
11 such procedure; and

12 (4) legislation that could be enacted to increase
13 the efficiency and effectiveness of such procedures.

14 (b) Not later than 1 year after the date of enactment
15 of this Act, the Department of Justice, the Department
16 of Homeland Security, and the Department of State shall
17 jointly submit a report to the Committees on Appropria-
18 tions of the Senate and House of Representatives which
19 shall contain a detailed statement of the findings and con-
20 clusions of the study referred to in subsection (a), together
21 with recommendations for such legislation and administra-
22 tive actions as the Department of Justice, the Department
23 of Homeland Security, and the Department of State con-
24 sider appropriate. The report may be submitted in a clas-
25 sified and unclassified form.

1 SEC. 629. Section 604 of the Secure Embassy Con-
2 struction and Counterterrorism Act of 1999 (title VI of
3 division A of H.R. 3427, as enacted by section 1000(a)(7)
4 of Public Law 106–113) is amended by adding the fol-
5 lowing new subsection at the end:

6 “(e) CAPITAL SECURITY COST SHARING.—

7 “(1) AUTHORITY.—Notwithstanding any other
8 provision of law, all agencies with personnel overseas
9 subject to chief of mission authority pursuant to sec-
10 tion 207 of the Foreign Service Act of 1980 (22
11 U.S.C. 3927) shall participate and provide funding
12 in advance for their share of costs of providing new,
13 safe, secure United States diplomatic facilities, with-
14 out offsets, on the basis of the total overseas pres-
15 ence of each agency as determined annually by the
16 Secretary of State in consultation with such agency.
17 Amounts advanced by such agencies to the Depart-
18 ment of State shall be credited to the Embassy Se-
19 curity, Construction and Maintenance account, and
20 remain available until expended.

21 “(2) IMPLEMENTATION.—Implementation of
22 this subsection shall be carried out in a manner that
23 encourages right-sizing of each agency’s overseas
24 presence.

1 “(3) EXCLUSION.—For purposes of this sub-
2 section ‘agency’ does not include the Marine Secu-
3 rity Guard.”.

4 SEC. 630. (a) Except as provided in subsection (b),
5 a project to construct a diplomatic facility of the United
6 States may not include office space or other accommoda-
7 tions for an employee of a Federal agency or department
8 if the Secretary of State determines that such department
9 or agency has not provided to the Department of State
10 the full amount of funding required by subsection (e) of
11 section 604 of the Secure Embassy Construction and
12 Counterterrorism Act of 1999 (as enacted into law by sec-
13 tion 1000(a)(7) of Public Law 106–113 and contained in
14 appendix G of that Act; 113 Stat. 1501A–453), as added
15 by section 629 of this Act.

16 (b) Notwithstanding the prohibition in subsection (a),
17 a project to construct a diplomatic facility of the United
18 States may include office space or other accommodations
19 for members of the Marine Corps.

20 SEC. 631. It is the sense of the Congress that the
21 Secretary of State, at the most immediate opportunity,
22 should—

23 (1) make a determination as to whether recent
24 events in the Darfur region of Sudan constitute
25 genocide as defined in the Convention on the Pre-

1 vention and Punishment of the Crime of Genocide;
2 and

3 (2) support the investigation and prosecution of
4 war crimes and crimes against humanity committed
5 in the Darfur region of Sudan.

6 SEC. 632. None of the funds made available in this
7 Act shall be used in any way whatsoever to support or
8 justify the use of torture by any official or contract em-
9 ployee of the United States Government.

10 SEC. 633. (a) Section 111(b) of Public Law 102-395
11 (21 U.S.C. 886a) is amended—

12 (1) by redesignating paragraphs (1) through
13 (5) as subparagraphs (A) through (E), and indent-
14 ing accordingly;

15 (2) in subparagraph (B), as redesignated, by
16 striking “program.” and inserting “program. Such
17 reimbursements shall be made without distin-
18 guishing between expenses related to controlled sub-
19 stance activities and expenses related to chemical ac-
20 tivities.”;

21 (3) by striking “There is established” and in-
22 serting the following: “(1) There is established”; and

23 (4) by adding at the end the following:

24 “(2) In this section:

All caps

In General, -

All caps

Definitions, -

1 “(A) [The term ‘diversion control program’
2 means the controlled substance and chemical di-
3 version control activities of the Drug Enforce-
4 ment Administration.

All caps
Diversion
Control
Program. —

5 “(B) [The term ‘controlled substance and
6 chemical diversion control activities’ means
7 those activities related to the registration and
8 control of the manufacture, distribution, dis-
9 pensing, importation, and exportation of con-
10 trolled substances and listed chemicals.”.

All caps
Controlled
Substance
and Chemical
Diversion
Control
Activities. —

11 (b) Section 301 of the Controlled Substances Act (21
12 U.S.C. 821) is amended by striking “the registration and
13 control of regulated” and all that follows through the pe-
14 riod, and inserting “listed chemicals.”

15 (c) Section 1088(f) of the Controlled Substances Im-
16 port and Export Act (21 U.S.C. 958(f)) is amended—

17 (1) by inserting “and control” after “the reg-
18 istration”; and

19 (2) by striking “list I chemicals under this sec-
20 tion.” and inserting “listed chemicals.”.

21 SEC. 634. None of the funds appropriated by this Act
22 may be used by the Federal Communications Commission
23 to modify, amend, or change its rules or regulations for
24 universal service support payments to implement the Feb-
25 ruary 27, 2004 recommendations of the Federal-State

1 Joint Board on Universal Service regarding single connec-
2 tion or primary line restrictions on universal service sup-
3 port payments.

4 SEC. 635. The unobligated balance of the amount ap-
5 propriated by title V of the Departments of Commerce,
6 Justice, and State, the Judiciary, and Related Agencies
7 Appropriations Act, 2002 (Public Law 107-77; 115 Stat.
8 798) for necessary expenses of the United States-Canada
9 Alaska Rail Commission shall be transferred as a direct
10 lump-sum payment to the University of Alaska.

11 SEC. 636. Section 33(a) of the Small Business Act
12 (15 U.S.C. 657c(a)) is amended by adding at the end the
13 following: "Notwithstanding any other provision of law,
14 the Corporation is a private entity and is not an agency,
15 instrumentality, authority, entity, or establishment of the
16 United States Government."

17 SEC. 637. Of the amounts made available in this Act,
18 \$160,186,300 from "Department of State"; \$14,449,118
19 from "Department of Justice"; \$3,095,206 from "Depart-
20 ment of Commerce"; \$213,154 from "United States Trade
21 Representative"; and \$302,985 from "Broadcasting
22 Board of Governors" shall be available for the purposes
23 of implementing the Capital Security Cost Sharing pro-
24 gram, as provided in section 629 of the Act.

1 SEC. 638. Notwithstanding 40 U.S.C. 524, 571, and
2 572, the Federal Communications Commission may sell
3 the monitoring facilities in Honolulu, ~~Hawaii~~, and Liver- (H)
4 more, California, including all real property: *Provided*,
5 That any sale shall be made in accordance with section
6 605 of this Act.

7 SEC. 639. None of the funds made available in this
8 Act may be used in contravention of the provisions of sub-
9 sections (e) and (f) of section 301 of the United States
10 Leadership Against HIV/AIDS, Tuberculosis, and Malaria
11 Act of 2003 (Public Law 108-25; 22 U.S.C. 7631(e) and
12 (f)).

13 SEC. 640. (a) There is hereby rescinded an amount
14 equal to 0.54 percent of the budget authority provided
15 for in fiscal year 2005 for any discretionary account in
16 this Act.

17 (b) Any rescission made by subsection (a) shall be
18 applied proportionately—

19 (1) to each discretionary account and each item
20 of budget authority described in subsection (a); and

21 (2) within each such account and item, to each
22 program, project, and activity (with programs,
23 projects, and activities as delineated in the
24 P) appropriation Act or accompanying reports for the
25 relevant fiscal year covering such account or item, or

1 for accounts and items not included in appropriation
2 Acts, as delineated in the most recently submitted
3 President's budget).

4 TITLE VII—RESCISSIONS
5 DEPARTMENT OF JUSTICE

6 GENERAL ADMINISTRATION

7 WORKING CAPITAL FUND

8 (RESCISSION)

9 Of the unobligated balances available under this
10 heading, \$60,000,000 are rescinded.

11 LEGAL ACTIVITIES

12 ASSET FORFEITURE FUND

13 (RESCISSION)

14 Of the unobligated balances available ~~in the Working~~
15 ~~Capital Fund~~ under this heading, \$61,800,000 are re-
16 scinded.

17 OFFICE OF JUSTICE PROGRAMS

18 JUSTICE ASSISTANCE

19 (RESCISSION)

20 Of the unobligated balances available under this
21 heading, \$1,619,000 are rescinded.

22 STATE AND LOCAL LAW ENFORCEMENT ASSISTANCE

23 (RESCISSION)

24 Of the unobligated balances available under this
25 heading, \$29,380,000 are rescinded.

1 COMMUNITY ORIENTED POLICING SERVICES

2 (RESCISSION)

3 Of the unobligated balances available under this
4 heading, \$99,000,000 are rescinded.

5 JUVENILE JUSTICE

6 (RESCISSION)

7 Of the unobligated balances available under this
8 heading, \$3,500,000 are rescinded.

9 DEPARTMENT OF COMMERCE

10 NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY

11 INDUSTRIAL TECHNOLOGY SERVICES

12 (RESCISSION)

13 Of the unobligated balances available under this
14 heading for the Advanced Technology Program,
15 \$3,900,000 are rescinded.

16 RELATED AGENCIES

17 FEDERAL COMMUNICATIONS COMMISSION

18 SALARIES AND EXPENSES

19 (RESCISSION)

20 Of the unobligated balances available under this
21 heading, \$12,000,000 are rescinded.

22 TITLE VIII—PATENT AND TRADEMARK FEES

23 **SEC. 801. FEES FOR PATENT SERVICES.**

24 (a) GENERAL PATENT FEES.—During fiscal years
25 2005 and 2006, subsection (a) of section 41 of title 35,

No
Bold

1 United States Code, shall be administered as though that
2 subsection reads as follows:

3 “(a) GENERAL FEES.—The Director shall charge the
4 following fees:

5 “(1) FILING AND BASIC NATIONAL FEES.—

6 “(A) On filing each application for an
7 original patent, except for design, plant, or pro-
8 visional applications, \$300.

9 “(B) On filing each application for an
10 original design patent, \$200.

11 “(C) On filing each application for an
12 original plant patent, \$200.

13 “(D) On filing each provisional application
14 for an original patent, \$200.

15 “(E) On filing each application for the re-
16 issue of a patent, \$300.

17 “(F) The basic national fee for each inter-
18 national application filed under the treaty de-
19 fined in section 351(a) of this title entering the
20 national stage under section 371 of this title,
21 \$300.

22 “(G) In addition, excluding any sequence
23 listing or computer program listing filed in an
24 electronic medium as prescribed by the Direc-
25 tor, for any application the specification and

1 drawings of which exceed 100 sheets of paper
2 (or equivalent as prescribed by the Director if
3 filed in an electronic medium), \$250 for each
4 additional 50 sheets of paper (or equivalent as
5 prescribed by the Director if filed in an elec-
6 tronic medium) or fraction thereof.

7 “(2) EXCESS CLAIMS FEES.—In addition to the
8 fee specified in paragraph (1)—

9 “(A) on filing or on presentation at any
10 other time, \$200 for each claim in independent
11 form in excess of 3;

12 “(B) on filing or on presentation at any
13 other time, \$50 for each claim (whether de-
14 pendent or independent) in excess of 20; and

15 “(C) for each application containing a mul-
16 tiple dependent claim, \$360.

17 For the purpose of computing fees under this para-
18 graph, a multiple dependent claim referred to in sec-
19 tion 112 of this title or any claim depending there-
20 from shall be considered as separate dependent
21 claims in accordance with the number of claims to
22 which reference is made. The Director may by regu-
23 lation provide for a refund of any part of the fee
24 specified in this paragraph for any claim that is can-
25 celed before an examination on the merits, as pre-

1 scribed by the Director, has been made of the appli-
2 cation under section 131 of this title. Errors in pay-
3 ment of the additional fees under this paragraph
4 may be rectified in accordance with regulations pre-
5 scribed by the Director.

6 “(3) EXAMINATION FEES.—

7 “(A) For examination of each application
8 for an original patent, except for design, plant,
9 provisional, or international applications, \$200.

10 “(B) For examination of each application
11 for an original design patent, \$130.

12 “(C) For examination of each application
13 for an original plant patent, \$160.

14 “(D) For examination of the national stage
15 of each international application, \$200.

16 “(E) For examination of each application
17 for the reissue of a patent, \$600.

18 The provisions of section 111(a) of this title re-
19 lating to the payment of the fee for filing the appli-
20 cation shall apply to the payment of the fee specified
21 in this paragraph with respect to an application filed
22 under section 111(a) of this title. The provisions of
23 section 371(d) of this title relating to the payment
24 of the national fee shall apply to the payment of the

1 fee specified in this paragraph with respect to an
2 international application.

3 “(4) ISSUE FEES.—

4 “(A) For issuing each original patent, ex-
5 cept for design or plant patents, \$1,400.

6 “(B) For issuing each original design pat-
7 ent, \$800.

8 “(C) For issuing each original plant pat-
9 ent, \$1,100.

10 “(D) For issuing each reissue patent,
11 \$1,400.

12 “(5) DISCLAIMER FEE.—On filing each dis-
13 claimer, \$130.

14 “(6) APPEAL FEES.—

15 “(A) On filing an appeal from the exam-
16 iner to the Board of Patent Appeals and Inter-
17 ferences, \$500.

18 “(B) In addition, on filing a brief in sup-
19 port of the appeal, \$500, and on requesting an
20 oral hearing in the appeal before the Board of
21 Patent Appeals and Interferences, \$1,000.

22 “(7) REVIVAL FEES.—On filing each petition
23 for the revival of an unintentionally abandoned ap-
24 plication for a patent, for the unintentionally delayed
25 payment of the fee for issuing each patent, or for an

1 unintentionally delayed response by the patent owner
2 in any reexamination proceeding, \$1,500, unless the
3 petition is filed under section 133 or 151 of this
4 title, in which case the fee shall be \$500.

5 “(8) EXTENSION FEES.—For petitions for 1-
6 month extensions of time to take actions required by
7 the Director in an application—

8 “(A) on filing a first petition, \$120;

9 “(B) on filing a second petition, \$330; and

10 “(C) on filing a third or subsequent peti-
11 tion, \$570.”.

12 (b) PATENT MAINTENANCE FEES.—During fiscal
13 years 2005 and 2006, subsection (b) of section 41 of title
14 35, United States Code, shall be administered as though
15 that subsection reads as follows:

16 “(b) MAINTENANCE FEES.—The Director shall
17 charge the following fees for maintaining in force all pat-
18 ents based on applications filed on or after December 12,
19 1980:

20 “(1) 3 years and 6 months after grant, \$900.

21 “(2) 7 years and 6 months after grant, \$2,300.

22 “(3) 11 years and 6 months after grant,
23 \$3,800.

24 Unless payment of the applicable maintenance fee is re-
25 ceived in the United States Patent and Trademark Office

1 on or before the date the fee is due or within a grace pe-
2 riod of 6 months thereafter, the patent will expire as of
3 the end of such grace period. The Director may require
4 the payment of a surcharge as a condition of accepting
5 within such 6-month grace period the payment of an appli-
6 cable maintenance fee. No fee may be established for
7 maintaining a design or plant patent in force.”.

8 (c) PATENT SEARCH FEES.—During fiscal years
9 2005 and 2006, subsection (d) of section 41 of title 35,
10 United States Code, shall be administered as though that
11 subsection reads as follows:

12 “(d) PATENT SEARCH AND OTHER FEES.—

13 “(1) PATENT SEARCH FEES.—

14 “(A) The Director shall charge a fee for
15 the search of each application for a patent, ex-
16 cept for provisional applications. The Director
17 shall establish the fees charged under this para-
18 graph to recover an amount not to exceed the
19 estimated average cost to the Office of search-
20 ing applications for patent either by acquiring
21 a search report from a qualified search author-
22 ity, or by causing a search by Office personnel
23 to be made, of each application for patent. For
24 the 3-year period beginning on the date of en-
25 actment of this Act, the fee for a search by a

1 qualified search authority of a patent applica-
2 tion described in clause (i), (iv), or (v) of sub-
3 paragraph (B) may not exceed \$500, of a pat-
4 ent application described in clause (ii) of sub-
5 paragraph (B) may not exceed \$100, and of a
6 patent application described in clause (iii) of
7 subparagraph (B) may not exceed \$300. The
8 Director may not increase any such fee by more
9 than 20 percent in each of the next three 1-year
10 periods, and the Director may not increase any
11 such fee thereafter.

12 “(B) For purposes of determining the fees
13 to be established under this paragraph, the cost
14 to the Office of causing a search of an applica-
15 tion to be made by Office personnel shall be
16 deemed to be—

17 “(i) \$500 for each application for an
18 original patent, except for design, plant,
19 provisional, or international applications;

20 “(ii) \$100 for each application for an
21 original design patent;

22 “(iii) \$300 for each application for an
23 original plant patent;

24 “(iv) \$500 for the national stage of
25 each international application; and

1 “(v) \$500 for each application for the
2 reissue of a patent.

3 “(C) The provisions of section 111(a)(3) of
4 this title relating to the payment of the fee for
5 filing the application shall apply to the payment
6 of the fee specified in this paragraph with re-
7 spect to an application filed under section
8 111(a) of this title. The provisions of section
9 371(d) of this title relating to the payment of
10 the national fee shall apply to the payment of
11 the fee specified in this paragraph with respect
12 to an international application.

13 “(D) The Director may by regulation pro-
14 vide for a refund of any part of the fee specified
15 in this paragraph for any applicant who files a
16 written declaration of express abandonment as
17 prescribed by the Director before an examina-
18 tion has been made of the application under
19 section 131 of this title, and for any applicant
20 who provides a search report that meets the
21 conditions prescribed by the Director.

22 “(E) For purposes of subparagraph (A), a
23 ‘qualified search authority’ may not include a
24 commercial entity unless——

1 “(i) the Director conducts a pilot pro-
2 gram of limited scope, conducted over a
3 period of not more than 18 months, which
4 demonstrates that searches by commercial
5 entities of the available prior art relating
6 to the subject matter of inventions claimed
7 in patent applications——

8 “(I) are accurate; and

9 “(II) meet or exceed the stand-
10 ards of searches conducted by and
11 used by the Patent and Trademark
12 Office during the patent examination
13 process;

14 “(ii) the Director submits a report on
15 the results of the pilot program to Con-
16 gress and the Patent Public Advisory Com-
17 mittee that includes——

18 “(I) a description of the scope
19 and duration of the pilot program;

20 “(II) the identity of each com-
21 mercial entity participating in the
22 pilot program;

23 “(III) an explanation of the
24 methodology used to evaluate the ac-

1 curacy and quality of the search re-
2 ports; and

3 “(IV) an assessment of the ef-
4 fects that the pilot program, as com-
5 pared to searches conducted by the
6 Patent and Trademark Office, had
7 and will have on——

8 “(aa) patentability deter-
9 minations;

10 “(bb) productivity of the
11 Patent and Trademark Office;

12 “(cc) costs to the Patent
13 and Trademark Office;

14 “(dd) costs to patent appli-
15 cants; and

16 “(ee) other relevant factors;

17 “(iii) the Patent Public Advisory
18 Committee reviews and analyzes the Direc-
19 tor’s report under clause (ii) and the re-
20 sults of the pilot program and submits a
21 separate report on its analysis to the Di-
22 rector and the Congress that includes——

23 “(I) an independent evaluation of
24 the effects that the pilot program, as
25 compared to searches conducted by

1 the Patent and Trademark Office, had
2 and will have on the factors set forth
3 in clause (ii)(IV); and

4 “(II) an analysis of the reason-
5 ableness, appropriateness, and effec-
6 tiveness of the methods used in the
7 pilot program to make the evaluations
8 required under clause (ii)(IV); and

9 “(iv) Congress does not, during the 1-
10 year period beginning on the date on which
11 the Patent Public Advisory Committee sub-
12 mits its report to the Congress under
13 clause (iii), enact a law prohibiting
14 searches by commercial entities of the
15 available prior art relating to the subject
16 matter of inventions claimed in patent ap-
17 plications.

18 “(F) The Director shall require that any
19 search by a qualified search authority that is a
20 commercial entity is conducted in the United
21 States by persons that——

22 “(i) if individuals, are United States
23 citizens; and

24 “(ii) if business concerns, are orga-
25 nized under the laws of the United States

1 or any State and employ United States
2 citizens to perform the searches.

3 “(G) A search of an application that is the
4 subject of a secrecy order under section 181 or
5 otherwise involves classified information may
6 only be conducted by Office personnel.

7 “(H) A qualified search authority that is a
8 commercial entity may not conduct a search of
9 a patent application if the entity has any direct
10 or indirect financial interest in any patent or in
11 any pending or imminent application for patent
12 filed or to be filed in the Patent and Trademark
13 Office.

14 “(2) OTHER FEES.—The Director shall estab-
15 lish fees for all other processing, services, or mate-
16 rials relating to patents not specified in this section
17 to recover the estimated average cost to the Office
18 of such processing, services, or materials, except that
19 the Director shall charge the following fees for the
20 following services:

21 “(A) For recording a document affecting
22 title, \$40 per property.

23 “(B) For each photocopy, \$.25 per page.

24 “(C) For each black and white copy of a
25 patent, \$3.

1 The yearly fee for providing a library specified in
2 section 12 of this title with uncertified printed copies
3 of the specifications and drawings for all patents in
4 that year shall be \$50.”.

5 (d) ADJUSTMENTS.—During fiscal years 2005 and
6 2006, subsection (f) of section 41 of title 35, United
7 States Code, shall apply to the fees established under this
8 section.

9 (e) FEES FOR SMALL ENTITIES.—During fiscal
10 years 2005 and 2006, subsection (h) of section 41 of title
11 35, United States Code, shall be administered as though
12 that subsection is amended—

13 (1) in paragraph (1), by striking “Fees charged
14 under subsection (a) or (b)” and inserting “Subject
15 to paragraph (3), fees charged under subsections
16 (a), (b), and (d)(1)”;

17 (2) by adding at the end the following new
18 paragraph:

19 “(3) The fee charged under subsection
20 (a)(1)(A) shall be reduced by 75 percent with re-
21 spect to its application to any entity to which para-
22 graph (1) applies, if the application is filed by elec-
23 tronic means as prescribed by the Director.”.



1 **SEC. 802. ADJUSTMENT OF TRADEMARK FEES.**

2 (a) FEE FOR FILING APPLICATION.—During fiscal
3 years 2005 and 2006, under such conditions as may be
4 prescribed by the Director, the fee under section 31(a) of
5 the Trademark Act of 1946 (15 U.S.C. 1113(a)) for: (a)
6 the filing of a paper application for the registration of a
7 trademark shall be \$375; (b) the filing of an electronic
8 application shall be \$325; and (c) the filing of an elec-
9 tronic application meeting certain additional requirements
10 prescribed by the Director shall be \$275. During fiscal
11 years 2005 and 2006, the provisions of the second and
12 third sentences of section 31(a) of the Trademark Act of
13 1946 shall apply to the fees established under this section.

14 (b) REFERENCE TO TRADEMARK ACT OF 1946.—For
15 purposes of this section, the “Trademark Act of 1946”
16 refers to the Act entitled “An Act to provide for the reg-
17 istration and protection of trademarks used in commerce,
18 to carry out the provisions of certain international conven-
19 tions, and for other purposes.”, approved July 5, 1946 (15
20 U.S.C. 1051 et seq.).



21 **SEC. 803. EFFECTIVE DATE, APPLICABILITY, AND TRANSI-**
22 **TIONAL PROVISION.**

23 (a) EFFECTIVE DATE.—Except as otherwise provided
24 in this title (including this section), the provisions of this
25 title shall take effect on the date of the enactment of this

1 Act and shall apply only with respect to the remaining
2 portion of fiscal year 2005 and fiscal year 2006.

3 (b) APPLICABILITY.—

4 (1)(A) Except as provided in subparagraphs
5 (B) and (C), the provisions of section 801 shall
6 apply to all patents, whenever granted, and to all
7 patent applications pending on or filed after the ef-
8 fective date set forth in subsection (a) of this sec-
9 tion.

10 (B)(i) Except as provided in clause (ii), sub-
11 sections (a)(1) and (3) and (d)(1) of section 41 of
12 title 35, United States Code, as administered as pro-
13 vided in this title, shall apply only to—

14 (I) applications for patents filed under sec-
15 tion 111 of title 35, United States Code, on or
16 after the effective date set forth in subsection
17 (a) of this section, and

18 (II) international applications entering the
19 national stage under section 371 of title 35,
20 United States Code, for which the basic na-
21 tional fee specified in section 41 of title 35,
22 United States Code, was not paid before the ef-
23 fective date set forth in subsection (a) of this
24 section.

1 (ii) Section 41(a)(1)(D) of title 35, United
2 States Code, as administered as provided in this
3 title, shall apply only to applications for patent filed
4 under section 111(b) of title 35, United States Code,
5 before, on, or after the effective date set forth in
6 subsection (a) of this section in which the filing fee
7 specified in section 41 of title 35, United States
8 Code, was not paid before the effective date set forth
9 in subsection (a) of this section.

10 (C) Section 41(a)(2) of title 35, United States
11 Code, as administered as provided in this title, shall
12 apply only to the extent that the number of excess
13 claims, after giving effect to any cancellation of
14 claims, is in excess of the number of claims for
15 which the excess claims fee specified in section 41 of
16 title 35, United States Code, was paid before the ef-
17 fective date set forth in subsection (a) of this sec-
18 tion.

19 (2) The provisions of section 802 shall apply to
20 all applications for the registration of a trademark
21 filed or amended on or after the effective date set
22 forth in subsection (a) of this section.

23 (c) TRANSITIONAL PROVISIONS.—

24 (1) SEARCH FEES.—During fiscal years 2005
25 and 2006, the Director shall charge—

1 (A) for the search of each application for
2 an original patent, except for design, plant, pro-
3 visional, or international application, \$500;

4 (B) for the search of each application for
5 an original design patent, \$100;

6 (C) for the search of each application for
7 an original plant patent, \$300;

8 (D) for the search of the national stage of
9 each international application, \$500; and

10 (E) for the search of each application for
11 the reissue of a patent, \$500.

12 (2) TIMING OF FEES.—The provisions of sec-
13 tion 111(a)(3) of title 35, United States Code, relat-
14 ing to the payment of the fee for filing the applica-
15 tion shall apply to the payment of the fee specified
16 in paragraph (1) with respect to an application filed
17 under section 111(a) of title 35, United States Code.
18 The provisions of section 371(d) of title 35, United
19 States Code, relating to the payment of the national
20 fee shall apply to the payment of the fee specified
21 in paragraph (1) with respect to an international ap-
22 plication.

1 **SEC. 804. DEFINITION.**

2 In this title, the term "Director" means the Under
3 Secretary of Commerce for Intellectual Property and Di-
4 rector of the United States Patent and Trademark Office.

5 **TITLE IX—OCEANS AND HUMAN**
6 **HEALTH ACT**

7 **SEC. 901. SHORT TITLE.**

8 This title may be cited as the "Oceans and Human
9 Health Act".

10 **SEC. 902. INTERAGENCY OCEANS AND HUMAN HEALTH RE-**
11 **SEARCH PROGRAM.**

12 (a) COORDINATION.—The President, through the Na-
13 tional Science and Technology Council, shall coordinate
14 and support a national research program to improve un-
15 derstanding of the role of the oceans in human health.

16 (b) IMPLEMENTATION PLAN.—Within 1 year after
17 the date of enactment of this Act, the National Science
18 and Technology Council, through the Director of the Of-
19 fice of Science and Technology Policy shall develop and
20 submit to the Congress a plan for coordinated Federal ac-
21 tivities under the program. Nothing in this subsection is
22 intended to duplicate or supersede the activities of the
23 Inter-Agency Task Force on Harmful Algal Blooms and
24 Hypoxia established under section 603 of the Harmful
25 Algal Bloom and Hypoxia Research and Control Act of
26 1998 (16 U.S.C. 1451 note). In developing the plan, the

1 Committee will consult with the Inter-Agency Task Force
2 on Harmful Algal Blooms and Hypoxia. Such plan will
3 build on and complement the ongoing activities of the Na-
4 tional Oceanic and Atmospheric Administration, the Na-
5 tional Science Foundation, and other departments and
6 agencies and shall—

7 (1) establish, for the 10-year period beginning
8 in the year it is submitted, the goals and priorities
9 for Federal research which most effectively advance
10 scientific understanding of the connections between
11 the oceans and human health, provide usable infor-
12 mation for the prediction of marine-related public
13 health problems and use the biological potential of
14 the oceans for development of new treatments of
15 human diseases and a greater understanding of
16 human biology;

17 (2) describe specific activities required to
18 achieve such goals and priorities, including the fund-
19 ing of competitive research grants, ocean and coastal
20 observations, training and support for scientists, and
21 participation in international research efforts;

22 (3) identify and address, as appropriate, rel-
23 evant programs and activities of the Federal agen-
24 cies and departments that would contribute to the
25 program;

1 (4) identify alternatives for preventive unneces-
2 sary duplication of effort among Federal agencies
3 and departments with respect to the program;

4 (5) consider and use, as appropriate, reports
5 and studies conducted by Federal agencies and de-
6 partments, the National Research Council, the
7 Ocean Research Advisory Panel, the Commission on
8 Ocean Policy and other expert scientific bodies;

9 (6) make recommendations for the coordination
10 of program activities with ocean and human health-
11 related activities of other national and international
12 organizations; and

13 (7) estimate Federal funding for research ac-
14 tivities to be conducted under the program.

15 (c) PROGRAM SCOPE.—The program may include the
16 following activities related to the role of oceans in human
17 health:

18 (1) Interdisciplinary research among the ocean
19 and medical sciences, and coordinated research and
20 activities to improve understanding of processes
21 within the ocean that may affect human health and
22 to explore the potential contribution of marine orga-
23 nisms to medicine and research, including—

1 (A) vector- and water-borne diseases of hu-
2 mans and marine organisms, including marine
3 mammals and fish;

4 (B) harmful algal blooms and hypoxia
5 (through the Inter-Agency Task Force on
6 Harmful Algal Blooms and Hypoxia);

7 (C) marine-derived pharmaceuticals;

8 (D) marine organisms as models for bio-
9 medical research and as indicators of marine
10 environmental health;

11 (E) marine environmental microbiology;

12 (F) bioaccumulative and endocrine-dis-
13 rupting chemical contaminants; and

14 (G) predictive models based on indicators
15 of marine environmental health or public health
16 threats.

17 (2) Coordination with the National Ocean Re-
18 search Leadership Council (10 U.S.C. 7902(a)) to
19 ensure that any integrated ocean and coastal observ-
20 ing system provides information necessary to mon-
21 itor and reduce marine public health problems in-
22 cluding health-related data on biological populations
23 and detection of contaminants in marine waters and
24 seafood.

1 (3) Development through partnerships among
2 Federal agencies, States, academic institutions, or
3 non-profit research organizations of new technologies
4 and approaches for detecting and reducing hazards
5 to human health from ocean sources and to
6 strengthen understanding of the value of marine bio-
7 diversity to biomedicine, including—

8 (A) genomics and proteomics to develop
9 genetic and immunological detection approaches
10 and predictive tools and to discover new bio-
11 medical resources;

12 (B) biomaterials and bioengineering;

13 (C) in situ and remote sensors used to de-
14 tect, quantify, and predict the presence and
15 spread of contaminants in marine waters and
16 organisms and to identify new genetic resources
17 for biomedical purposes;

18 (D) techniques for supplying marine re-
19 sources, including chemical synthesis, culturing
20 and aquaculturing marine organisms, new fer-
21 mentation methods and recombinant tech-
22 niques; and

23 (E) adaptation of equipment and tech-
24 nologies from human health fields.

1 (4) Support for scholars, trainees and education
2 opportunities that encourage an interdisciplinary
3 and international approach to exploring the diversity
4 of life in the oceans.

5 (d) ANNUAL REPORT.—Beginning with the first year
6 occurring more than 24 months after the date of enact-
7 ment of this Act, the National Science and Technology
8 Council, through the Director of the Office of Science and
9 Technology Policy shall prepare and submit to the Presi-
10 dent and the Congress not later than January 31st of each
11 year an annual report on the activities conducted pursuant
12 to this title during the preceding fiscal year, including—

13 (1) a summary of the achievements of Federal
14 oceans and human health research, including Feder-
15 ally supported external research, during the pre-
16 ceding fiscal year;

17 (2) an analysis of the progress made toward
18 achieving the goals and objectives of the plan devel-
19 oped under subsection (b), including identification of
20 trends and emerging trends;

21 (3) a copy or summary of the plan and any
22 changes made in the plan;

23 (4) a summary of agency budgets for oceans
24 and human health activities for that preceding fiscal
25 year; and

1 (5) any recommendations regarding additional
2 action or legislation that may be required to assist
3 in achieving the purposes of this title.

4 **SEC. 903. NATIONAL OCEANIC AND ATMOSPHERIC ADMIN-**
5 **ISTRATION OCEANS AND HUMAN HEALTH INI-**
6 **TIATIVE.**

7 (a) ESTABLISHMENT.—As part of the interagency
8 oceans and human health research program, the Secretary
9 of Commerce is authorized to establish an Oceans and
10 Human Health Initiative to coordinate and implement re-
11 search and activities of the National Oceanic and Atmos-
12 pheric Administration related to the role of the oceans,
13 the coasts, and the Great Lakes in human health. In car-
14 rying out this section, the Secretary shall consult with
15 other Federal agencies conducting integrated oceans and
16 human health research and research in related areas, in-
17 cluding the National Science Foundation. The Oceans and
18 Human Health Initiative is authorized to provide support
19 for—

20 (1) centralized program and research coordina-
21 tion;

22 (2) an advisory panel;

23 (3) one or more National Oceanic and Atmos-
24 pheric Administration national centers of excellence;

25 (4) research grants; and

NO BOLD

1 (5) distinguished scholars and traineeships.

2 (b) ADVISORY PANEL.—The Secretary is authorized
3 to establish an oceans and human health advisory panel
4 to assist in the development and implementation of the
5 Oceans and Human Health Initiative. Membership of the
6 advisory group shall provide for balanced representation
7 of individuals with multi-disciplinary expertise in the ma-
8 rine and biomedical sciences. The Federal Advisory Com-
9 mittee Act (5 U.S.C. App.) shall not apply to the oceans
10 and human health advisory panel.

11 (c) NATIONAL CENTERS.—

12 (1) The Secretary is authorized to identify and
13 provide financial support through a competitive
14 process to develop, within the National Oceanic and
15 Atmospheric Administration, for one or more centers
16 of excellence that strengthen the capabilities of the
17 National Oceanic and Atmospheric Administration
18 to carry out its programs and activities related to
19 the oceans' role in human health.

20 (2) The centers shall focus on areas related to
21 agency missions, including use of marine organisms
22 as indicators for marine environmental health, ocean
23 pollutants, marine toxins and pathogens, harmful
24 algal blooms, hypoxia, seafood testing, identification
25 of potential marine products, and biology and

1 pathobiology of marine mammals, and on disciplines
2 including marine genomics, marine environmental
3 microbiology, ecological chemistry and conservation
4 medicine.

5 (3) In selecting centers for funding, the Sec-
6 retary will give priority to proposals with strong
7 interdisciplinary scientific merit that encourage edu-
8 cational opportunities and provide for effective part-
9 nerships among the Administration, other Federal
10 entities, State, academic, non-profit research organi-
11 zations, medical, and industry participants.

12 (d) EXTRAMURAL RESEARCH GRANTS.—

13 (1) The Secretary is authorized to provide
14 grants of financial assistance to the scientific com-
15 munity for critical research and projects that explore
16 the relationship between the oceans and human
17 health and that complement or strengthen programs
18 and activities of the National Oceanic and Atmos-
19 pheric Administration related to the ocean's role in
20 human health. Officers and employees of Federal
21 agencies may collaborate with, and participate in,
22 such research and projects to the extent requested
23 by the grant recipient. The Secretary shall consult
24 with the oceans and human health advisory panel es-
25 tablished under subsection (b) and may work coop-

1 eratively with other agencies participating in the
2 interagency program to establish joint criteria for
3 such research and projects.

4 (2) Grants under this subsection shall be
5 awarded through a competitive peer-reviewed, merit-
6 based process that may be conducted jointly with
7 other agencies participating in the interagency pro-
8 gram.

9 (e) TRAINEESHIPS.—The Secretary of Commerce is
10 authorized to establish a program to provide traineeships,
11 training, and experience to pre-doctoral and post-doctoral
12 students and to scientists at the beginning of their careers
13 who are interested in the oceans in human health research
14 conducted under the NOAA initiative.

15 **SEC. 904. PUBLIC INFORMATION AND OUTREACH.**

16 (a) IN GENERAL.—The Secretary of Commerce, in
17 consultation with other Federal agencies, and in coopera-
18 tion with the National Sea Grant program, shall design
19 and implement a program to disseminate information de-
20 veloped under the NOAA Oceans and Human Health Ini-
21 tiative, including research, assessments, and findings re-
22 garding the relationship between oceans and human
23 health, on both a regional and national scale. The informa-
24 tion, particularly with respect to potential health risks,
25 shall be made available in a timely manner to appropriate

NO
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1 Federal or State agencies, involved industries, and other
2 interested persons through a variety of means, including
3 through the ~~Internet~~.

4 (b) REPORT.—As part of this program, the Secretary
5 shall submit to Congress an annual report reviewing the
6 results of the research, assessments, and findings devel-
7 oped under the NOAA Oceans and Human Health Initia-
8 tive, as well as recommendations for improving or expand-
9 ing the program.

10 **SEC. 905. AUTHORIZATION OF APPROPRIATIONS.**

11 There are authorized to be appropriated to the Sec-
12 retary of Commerce to carry out the National Oceanic and
13 Atmospheric Administration Oceans and Human Health
14 Initiative, \$60,000,000 for fiscal years 2005 through
15 2008. Not less than 50 percent of the amounts appro-
16 priated to carry out the initiative shall be utilized in each
17 fiscal year to support the extramural grant and
18 traineeship programs of the Initiative.

19 ~~TITLE X—VIETNAM HUMAN RIGHTS ACT OF~~
20 ~~2004~~

21 ~~SEC. 1001. Congress finds the following:~~

22 ~~(1) The Socialist Republic of Vietnam is a one-~~
23 ~~party State, ruled and controlled by the Communist~~
24 ~~Party of Vietnam (CPV), which continues to deny~~
25 ~~the right of citizens to change their government. Al-~~

NO
BOLD

1 though in recent years the National Assembly of
2 Vietnam has played an increasingly active role as a
3 forum for highlighting local concerns, corruption,
4 and inefficiency, the National Assembly remains sub-
5 ject to CPV direction. The CPV maintains control
6 over the selection of candidates in national and local
7 elections.

8 (2) The Government of Vietnam permits no
9 public challenge to the legitimacy of the one-party
10 State. It prohibits independent political, labor, and
11 social organizations, and it continues to detain and
12 imprison persons for the peaceful expression of dis-
13 senting religious and political views, including Pham
14 Hong Son, Tran Dung Tien, Father Nguyen Van
15 Ly, Dr. Nguyen Dan Que, Nguyen Vu Binh, Pham
16 Que Duong, and Pastor Nguyen Hong Quang,
17 among others.

18 (3) The Government of Vietnam continues to
19 commit serious human rights abuses. In January
20 2004, the Department of State reported to the Con-
21 gress that during the previous year the Government
22 of Vietnam had made "no progress" toward releas-
23 ing political and religious activists, ending official re-
24 strictions on religious activity, or respecting the

1 rights of indigenous minorities in the Central and
2 Northern Highlands of Vietnam.

3 (4)(A) The Government of Vietnam limits free-
4 dom of religion and restricts the operation of reli-
5 gious organizations other than those approved by the
6 State. While officially sanctioned religious organiza-
7 tions are able to operate with varying degrees of au-
8 tonomy, some of those organizations continue to face
9 restrictions on selecting, training, and ordaining suf-
10 ficient numbers of clergy and in conducting edu-
11 cational and charitable activities. The Government
12 has previously confiscated numerous churches, tem-
13 ples, and other properties belonging to religious or-
14 ganizations, most of which have never been returned.

15 (B) Unregistered ethnic minority Protestant
16 congregations in the Northwest and Central High-
17 lands of Vietnam suffer severe abuses, which have
18 included forced renunciations of faith, the closure
19 and destruction of churches, the arrest and harass-
20 ment of pastors, and, in a few cases, there have been
21 credible reports that minority religious leaders have
22 been beaten and killed.

23 (C) The Unified Buddhist Church of Vietnam
24 (UBCV), one of the largest religious denominations
25 in Vietnam, was declared illegal in 1981. The Gov-

1 ~~ernment of Vietnam confiscated its temples and per-~~
2 ~~secuted its clergy for refusing to join the state-spon-~~
3 ~~sored Buddhist organizations. For more than 2 dec-~~
4 ~~ades, the Government has detained and confined~~
5 ~~senior UBCV clergy, including the Most Venerable~~
6 ~~Thich Huyen Quang, the Most Venerable Thich~~
7 ~~Quang Do, the Venerable Thich Tue Sy, and others.~~

8 (D) The Catholic Church continues to face sig-
9 nificant restrictions on the training and ordination
10 of priests and bishops, resulting in numbers insuffi-
11 cient to support the growing Catholic population in
12 Vietnam. Although recent years have brought a
13 modest easing of government control in some dio-
14 ceses, officials in other areas strictly limit the con-
15 duct of religious education classes and charitable ac-
16 tivities. Father Thaddeus Nguyen Van Ly, who was
17 convicted in a closed trial in 2001 after publicly
18 criticizing religious repression by the Government of
19 Vietnam, remains in prison.

20 (E) The Government of Vietnam continues to
21 suppress the activities of other religious adherents,
22 including Cao Dai, Baha'i, and Hoa Hao who lack
23 official recognition or have chosen not to affiliate
24 with the State-sanctioned groups, including through
25 ~~the use of detention and imprisonment.~~

1 (5) The Government of Vietnam significantly
2 restricts the freedoms of speech and the press, par-
3 ticularly with respect to political and religious
4 speech. Government and Party-related organizations
5 control all print and electronic media, including ac-
6 cess to the Internet. The Government blocks web
7 sites that it deems politically or culturally inappro-
8 priate, and it jams some foreign radio stations, in-
9 cluding Radio Free Asia. The Government has de-
10 tained, convicted, and imprisoned individuals who
11 have posted or sent democracy-related materials via
12 the Internet.

13 (6)(A) Indigenous Montagnards in the Central
14 Highlands of Vietnam continue to face significant
15 repression. The Government of Vietnam restricts the
16 practice of Christianity by those populations, and
17 more than 100 Montagnards have been sentenced to
18 prison terms of up to 13 years for claiming land
19 rights, organizing Christian gatherings, or attempt-
20 ing to seek asylum in Cambodia.

21 (B) The Government of Vietnam uses the sepa-
22 ratist agenda of a relatively small number of ethnic
23 minority leaders as a rationale for violating civil and
24 political rights in ethnic minority regions.

1 (C) The Government of Vietnam arrested or de-
2 tained nearly 300 Montagnards during 2003 and
3 since then many hundreds of Montagnards have
4 gone into hiding, fearing arrest, interrogation, or
5 physical abuse by government authorities.

6 (D) During Easter weekend in April 2004,
7 thousands of Montagnards gathered to protest their
8 treatment by the Government of Vietnam, including
9 the confiscation of tribal lands and ongoing restric-
10 tions on religious activities. Credible reports indicate
11 that the protests were met with a violent response
12 and that many demonstrators were arrested, injured,
13 or are in hiding, and that others were killed.

14 (E) Government officials continue to restrict ac-
15 cess to the Central and Northwest Highlands of
16 Vietnam by diplomats, nongovernmental organiza-
17 tions, journalists, and other foreigners, making it
18 difficult to verify conditions in those areas.

19 (7) Congress and people of the United States
20 are united in their determination that the expansion
21 of relations with Vietnam, a country whose govern-
22 ment engages in serious violations of fundamental
23 human rights, should not be construed as approval
24 of or complacency about such practices. The pro-
25 motion of freedom and democracy around the world

1 is and must continue to be a central objective of
2 United States foreign policy. Congress remains will-
3 ing and hopeful to recognize improvement in the fu-
4 ture human rights practices of the Government of
5 Vietnam, which is the motivating purpose behind
6 this Act.

7 SEC. 1002. (a) It is the policy of the United States
8 to take such measures as are necessary to overcome the
9 jamming of Radio Free Asia by the Government of Viet-
10 nam, including the active pursuit of broadcast facilities in
11 close geographic proximity to Vietnam.

12 (b) In addition to such amounts as are otherwise au-
13 thorized to be appropriated for the Broadcasting Board
14 of Governors, there are authorized to be appropriated to
15 carry out the policy under subsection (a) \$9,100,000 for
16 the fiscal year 2005.

17 SEC. 1003. It is the policy of the United States that
18 programs of educational and cultural exchange with Viet-
19 nam should actively promote progress toward freedom and
20 democracy in Vietnam by providing opportunities to Viet-
21 namese nationals from a wide range of occupations and
22 perspectives to see freedom and democracy in action and,
23 also, by ensuring that Vietnamese nationals who have al-
24 ready demonstrated a commitment to these values are in-
25 cluded in such programs.

1 SEC. 1004. (a) Not later than 6 months after the
2 date of the enactment of this Act, the Secretary of State
3 shall submit to the Congress a report on the following:

4 (1)(A) The determination and certification of
5 the President that the requirements of section
6 101(a)(2) have been met, if applicable.

7 (B) The determination of the President under
8 section 101(b)(2), if applicable.

9 (2) Efforts by the United States Government to
10 secure transmission sites for Radio Free Asia in
11 countries in close geographical proximity to Vietnam
12 in accordance with section 301.

13 (3) Efforts to ensure that programs with Viet-
14 nam promote the policy set forth in section 302 and
15 with section 102 of the Human Rights, Refugee, and
16 Other Foreign Relations Provisions Act of 1996
17 (Public Law 104-319) regarding participation in
18 programs of educational and cultural exchange.

19 (4) Lists of persons believed to be imprisoned,
20 detained, or placed under house arrest, tortured, or
21 otherwise persecuted by the Government of Vietnam
22 due to their pursuit of internationally recognized
23 human rights. In compiling such lists, the Secretary
24 shall exercise appropriate discretion, including con-
25 cerns regarding the safety and security of, and ben-

1 efit to, the persons who may be included on the lists
2 and their families.

3 (5) A description of the development of the rule
4 of law in Vietnam, including, but not limited to—

5 (A) progress toward the development of in-
6 stitutions of democratic governance;

7 (B) processes by which statutes, regula-
8 tions, rules, and other legal acts of the Govern-
9 ment of Vietnam are developed and become
10 binding within Vietnam;

11 (C) the extent to which statutes, regula-
12 tions, rules, administrative and judicial deci-
13 sions, and other legal acts of the Government of
14 Vietnam are published and are made accessible
15 to the public;

16 (D) the extent to which administrative and
17 judicial decisions are supported by statements
18 of reasons that are based upon written statutes,
19 regulations, rules, and other legal acts of the
20 Government of Vietnam;

21 (E) the extent to which individuals are
22 treated equally under the laws of Vietnam with-
23 out regard to citizenship, race, religion, political
24 opinion, or current or former associations;

1 (F) the extent to which administrative and
2 judicial decisions are independent of political
3 pressure or governmental interference and are
4 reviewed by entities of appellate jurisdiction;
5 and

6 (G) the extent to which laws in Vietnam
7 are written and administered in ways that are
8 consistent with international human rights
9 standards, including the requirements of the
10 International Covenant on Civil and Political
11 Rights.

12 (b) In preparing the report under subsection (a), the
13 Secretary shall, as appropriate, consult with and seek
14 input from nongovernmental organizations, human rights
15 advocates (including Vietnamese-Americans and human
16 rights advocates in Vietnam), and the United States Com-
17 mission on International Religious Freedom.

division
18 This Act may be cited as the "Departments of Com-
19 merce, Justice, and State, the Judiciary, and Related
20 Agencies Appropriations Act, 2005".